



LOCAL EMERGENCY PLANNING COMMITTEE

LEPC

ORIENTATION MANUAL

2007

IMPORTANT DATES FOR LEPCS

January	Tentatively set at least two meeting dates for the calendar year so the LEPC can conduct business and complete statutory requirements
March 1	Tier Two Inventory Forms due to SERC, LEPCs, FDs from facilities.
April	A letter certifying the current status of all TITLE III PLANS must be submitted by the LEPCs to the Kentucky Emergency Management (KyEM) Area Managers. LEPCs receive “Notice of Availability of Grant Funds” and “Notice of Eligibility Status” from SERC designee.
May	KyEM Area Managers must submit the certification letter to the SERC designee. Eligible LEPCs submit grant application requests on form SARA-303 to KyEM Area Managers in accordance with “Guidance for LEPC Grants” no later than May 1.
June 1	SERC approves/disapproves plan revisions/certifications. The number of approved EHS TAB Qs is used in the calculation of grant money to be awarded to LEPCs for the following year. KyEM Area Managers review LEPC grant request form SARA-303 for completeness and conformance to statutes and regulations, notes recommendations and forwards to the Chairman of the SERC or designee.
July 1	Chairman of SERC or designee reviews LEPC grant request received from KyEM Area Managers for completeness and conformance to statutes and regulations, notes recommendations and forwards to the Grant Review Committee of the SERC.
August 15	Grant Review Committee reviews all grants received from the Chairman of designee, and makes recommendation to the SERC pertaining to the grant awards.
September	When available LEPC grant monies will be awarded by the Commission no later than September 15
October	Review preceding calendar year’s activities to make sure all statutory requirements for an LEPC have been met.
December	Review, update, and mail LEPC membership to SERC. Make sure meeting minutes have been mailed to SERC as well as a copy of the public notice published in newspaper through the KyEM Area Managers. Make sure 24hour phone number is properly listed.

LIST OF ACRONYMS

CERCLA	Comprehensive Environmental Response Compensation and Liability Act
CFR	Code of Federal Regulations
EHS	Extremely Hazardous Substance
EPCRA	Emergency Protection and Community Right to Know Act
KAR	Kentucky Administrative Regulations
KRS	Kentucky Revised Statutes
KYDEP-ERT	Kentucky Department for Environmental Protection Environmental Response Team
KYEM	Kentucky Division of Emergency Management
KYERC	Kentucky Emergency Response Commission
LEPC	Local Emergency Planning Committee
LOL	List of Lists
MSDS	Material Safety Data Sheet
OSHA	Occupational Safety and Health Administration
RMP	Risk Management Plan
RQ	Reporting Quantity
SARA	Superfund Amendment and Reauthorization Act
SERC	State Emergency Response Commission
TPQ	Threshold Planning Quantity
USC	United States Code
VZ	Vulnerable Zone

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INTRODUCTION

Welcome to membership on the Local Emergency Planning Committee (LEPC). This handbook was developed to aid you in fulfilling your duties and responsibilities as an LEPC member. The creation of LEPCs and the duties and responsibilities of its members are mandated by the Emergency Planning and Community Right to Know Act, also known as EPCRA. EPCRA is part of Title III of the Superfund Amendment and Reauthorization Act of 1986 (SARA Title III) which is found at 42 United States Code Sections 11001-11050. In Kentucky the requirements of EPCRA for LEPCs are enacted into law at Kentucky Revised Statutes (KRS) Chapter 39 E and the methods for implementing the statutes are found in Kentucky Administrative Regulations (KAR) 106 Chapter 1 Disaster and Emergency Services.

A working partnership between Kentucky Emergency Management (KYEM), local county governments, LEPCs, local responders, and regulated facilities is what makes EPCRA effective. The LEPCs provide a vital link between citizens, industry, and government. As residents of the community they serve, LEPC members are in the best position to be familiar with both the chemical hazards and responders in their communities and are therefore in a unique position to assist local governments in developing and reviewing hazardous materials plans.

This handbook is a summary of the role and responsibilities of LEPC's in the proper implementation of EPCRA. The relationship between LEPCs and the State Emergency Response Commission (SERC also known as KYERC) and KYEM is explained. Guidance Documents and Forms required for proper completion and documentation of the LEPC's job are provided within this handbook. A calendar of dates required for submission of documentation to and from the LEPCs and a list of acronyms are also provided.

BACKGROUND

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) was enacted by Congress in 1980 to clean up the nation's hazardous waste sites. The program became known as Superfund and the waste sites as Superfund sites.

In 1984 public awareness of extremely hazardous chemicals was galvanized by the release of methyl isocyanate from a plant owned by Union Carbide of India in Bhopal, India. The release killed thousands and injured hundreds of thousands. In August 1985 a release of the same chemical from Union Carbide in Institute, West Virginia sent 135 people to the hospital. Later that year, Union Carbide admitted to numerous releases of this same chemical from the Institute plant.

In the U.S. voluntary programs were established to provide local awareness of extremely hazardous chemicals and over 30 states enacted laws giving citizens and workers access to information about hazardous substances in their communities and workplaces.

In response to continuing community concern regarding hazardous materials, a reauthorization and expansion of Superfund was signed into law on October 17, 1986. It is known as the Superfund Amendments and Reauthorization Act (SARA). Title III of SARA

created a new nationwide program known as the Emergency Planning and Community Right-to-Know Act (EPCRA). The law was designed to improve local hazardous materials emergency response capabilities and provide the public with information concerning hazardous and toxic chemicals in their community.

EPCRA also known as SARA Title III is codified at 42 U.S.C. 11001-11050. The statute contains three basic subtitles:

- Subtitle A: Emergency Planning and Notification
- Subtitle B: Reporting
- Subtitle C: General Provisions

Subtitle A established the framework for state and local emergency planning including the appointment by the Governor of members to a State Emergency Response Commission and the SERC's subsequent appointment of members to the Local Emergency Planning Committees (LEPCs). Subtitle A (Section 302) also contained a list of extremely hazardous substances (EHS). Facilities having any of the listed EHS in amounts greater than 500 pounds or an established threshold planning quantity (TPQ) whichever was less were required to provide the LEPC with information to be contained in a comprehensive emergency response plan in the event of a release of the EHS. In Kentucky, to fulfill this obligation, LEPCs working with facilities develop facility emergency response plans. These Plans are known as SARA Title III Plans or as TAB Q-7 because of their current placement in Kentucky's County Emergency Operation Plans (EOPs).

Subtitle B provided the mechanism for informing the public of the presence of chemicals in the community. This mechanism is the Hazardous Chemical Inventory Form. The version of the form that Kentucky uses is known as Tier II.

Subtitle C contains provisions that apply to all the information required to be obtained under both Subtitles A and B. Public access is granted to information contained on Tier II Forms and in Title III Plans. However, the Subtitle provides confidentiality for trade names and the site specific location of chemicals if requested by the facility.

Title III Plans and Tier II Hazardous Material Inventory Forms are discussed more fully later on in this document.

KENTUCKY'S EMERGENCY RESPONSE STRUCTURE UNDER EPCRA

SARA Title III Section 301-303 established the requirement for each state to have a State Emergency Response Commission (SERC).

In Kentucky, the SERC is known as the KYERC and may have up to 25 members each appointed by the Governor. The Director of Kentucky Emergency Management serves as the Chairperson for the KYERC. Other members include, but aren't limited to, the executive director of the Commission on Fire Protection Personnel Standards and Education or the executive director's designee, representatives of the Environmental and Public Protection Cabinet, the Office of the State Fire Marshal, the Kentucky State Police, the Office of the Attorney General, affected industry, local government, health services, environmental interests, and other persons who have technical expertise in the emergency response field as the Governor deems appropriate. Members of the KYERC are appointed by the Governor for a term of two (2) years. Members serve until their successors are appointed and qualified. Members are eligible for reappointment.

SARA Title III also required each state SERC to establish local emergency planning districts. In Kentucky these districts correspond to the 120 counties. Under KRS 39E 0.100 Local Emergency Planning Committees (LEPCs) were created. Local committee members are appointed by the KYERC and are considered as agents of the state for all purposes, including purposes of liability protection. According to Public Law 99-499 Subtitle A Emergency Planning and Notification, LEPCs need to contain members from the following groups: 1) elected state and local officials; 2) law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel; 3) broadcast and print media; 4) community groups; 5) owners and operators subject to the requirements of this subtitle ie. facilities with Extremely Hazardous Substances.

All counties lie in one of 14 Emergency Management (EM) Areas each having an Area Manager and Administrative Specialist (except Area 14 which only has an Area Manager). The 14 Areas with their associated counties and the Area Manager's and Administrative Specialist's name, phone number and address are provided on Table 1.

TABLE 1

Contact Information	
Area 01	
Area Manager	Lorie King
Administrative Specialist III	Cindy Painter
Phone	270-247-9712 or 502-607-1601
Address	Box 583 Mayfield, KY 42066
Counties	Ballard, Carlisle, Calloway, Fulton, Graves, Hickman, Marshall, McCracken
Area 02	
Area Manager	Jere McCuiston
Administrative Specialist III	Vickie Martin
Phone	270-889-6004 or 502-607-3426
Address	1600 Woodson Dr. Hopkinsville, KY 42240
Counties	Caldwell, Christian, Crittenden, Hopkins, Livingston, Lyon, Muhlenberg, Todd, Trigg
Area 03	
Area Manager	Rick Cox
Administrative Specialist III	Laura Hamilton
Phone	270-686-7896 or 502-607-3296
Address	1501 Parrish Avenue Owensboro, KY 42301
Counties	Daviess, Hancock, Henderson, McLean, Ohio, Union, Webster
Area 04	
Area Manager (July 1,2006)	Gary Fancher
Administrative Specialist III	Diane Jones
Phone	270-746-7843 or 502-607-1604
Address	920 Morgantown Road Room 136 Bowling Green, KY 42102
Counties	Allen, Barren, Butler, Edmonson, Hart, Logan, Metcalfe, Monroe, Simpson, Warren
Area 05	
Area Manager	Gene Logue
Administrative Specialist III	Virginia Paulsen
Phone	270-769-0492 or 502-607-5011 or 5012
Address	205 W. Warfield St. Elizabethtown, KY 42701
Counties	Breckinridge, Grayson, Green, Hardin, Larue, Marion, Meade, Nelson, Taylor, Washington
Area 06	
Area Manager	Don Renn
Administrative Specialist III	Diane Parrett
Phone	502-636-0439 or 502-607-1666
Address	2729 Crittenden Drive Louisville, KY 40209-1199
Counties	Anderson, Bullitt, Henry, Jefferson, Oldham, Shelby, Spencer, Trimble

TABLE 1 CONTINUED

Area 07	
Area Manager	Rick Watkins
Administrative Specialist III	LeeAnn Gibson
Phone	859-485-4134 or 502-607-1607
Address	183 Beaver Road Walton, KY 41094
Counties	Boone, Campbell, Carroll, Gallatin, Grant, Kenton, Owen, Pendleton, Scott

Area 08	
Area Manager	Larry Dixon
Administrative Specialist III	Donna Gardner
Phone	502-607-3391
Address	4911 Highway 801 North, Suite 101 Morehead, Kentucky 40351
Counties	Bath, Bracken, Fleming, Lewis, Mason, Menifee, Montgomery, Morgan, Robertson, Rowan

Area 09	
Area Manager	Marcia Salyer
Administrative Specialist III	Sherry Jenkins
Phone	606-886-9157 or 502-607-1609
Address	26 Armory Road, Suite 3 Prestonsburg, KY 41653
Counties	Boyd, Carter, Elliott, Floyd, Greenup, Johnson, Lawrence, Magoffin, Martin, Pike

Area 10	
Area Manager	Roy Benge
Administrative Specialist III	David Akers
Phone	606-435-6012 or 502-607-1654
Address	782 Dawahare Drive Hazard, KY 41702-9420
Counties	Breathitt, Harlan, Knott, Lee, Leslie, Letcher, Owsley, Perry, Wolfe

Area 11	
Area Manager	Jerry Rains
Administrative Specialist III	Vacant
Phone	606-877-3149
Address	165 Substation Street Suite 1 London, KY 40741
Counties	Bell, Clay, Knox, Jackson, Laurel, McCreary, Rockcastle, Whitley

TABLE 1 CONTINUED

Area 12	
Area Manager	Don Franklin
Administrative Specialist III	Carolyn Padgett
Phone	502-607-1656 or 606-677-0528
Address	109 Grand Ave. Somerset, KY 42501
Counties	Adair, Boyle, Casey, Clinton, Cumberland, Lincoln, Mercer, Pulaski, Russell, Wayne

Area 13	
Area Manager	Steve Oglesby
Administrative Specialist III	Fonseca Welch
Phone	859-246-2334 or 502-607-1657
Address	P.O. BOX 4288 Lexington, KY 40544-4288
Counties	Bourbon, Clark, Estill, Fayette, Garrard, Harrison, Jessamine, Madison, Nicholas, Powell, Woodford

Area 14	
Area Manager	John Bastin
Administrative Specialist III	None
Phone	502-607-1658
Address	1025 Capital Center Annex, Frankfort, KY 40602
Counties	Franklin

LOCAL EMERGENCY PLANNING COMMITTEE DUTIES

LEPC duties are identified in KRS 39 E.110. The duties have evolved somewhat during the twenty years over which EPCRA has been in effect. The current duties of the committees include:

- Assisting new facilities required to prepare Title III (TAB Q-7) Plans with the development of those plans as needed.
- Identifying a twenty-four (24) hour warning point within the district to which persons responsible for releases of hazardous substances must report those releases.
- Providing a location for the receipt of Tier II inventory forms and maintenance of those forms.
- Appointment by members of the committee of a Chairperson to serve a two (2) year term. The Chair can be reappointed.
- Annual review of existing Title III Plan information to determine if technical and/or administrative changes have occurred.
- Preparation annually of a letter certifying the status of facilities with existing Title III Plans and the status of any new plans developed during the calendar year. The Certification Letter is signed by the LEPC Chair and submitted to the Kentucky Emergency Management Area Manager no later than April 1 of each year.

Kentucky Revised Statutes (KRS) and Kentucky Administrative Regulations (KAR) applicable to LEPCs and Emergency Management are provided in Appendix A of this manual.

TIER II INVENTORY REPORTING

Section 312 of SARA Title III requires facilities to file an annual Hazardous Chemical Inventory Report Form for all chemicals having a Material Safety Data Sheet (MSDS) if such chemicals were present on site at any time during the calendar year in a quantity above the specified reporting quantity (RQ). The Inventory Report must be filed by March 1 of each year for chemicals present during the previous calendar year.

The reporting quantity for hazardous chemicals is 10,000 pounds. Certain chemicals are classified as Extremely Hazardous Substances (EHS). The reporting quantity for EHS is either 500 pounds or the threshold planning quantity (TPQ) whichever is less. SARA Title III Section 302 contains a list of EHS. The list is provided in 106 KAR 1:081 Section 6. A copy of this regulation is contained in Appendix A of this document. The EHS list can also be found on the internet at <http://web-services.gov/lol/>.

An exception to the reporting quantities listed above is made for retail gasoline stations having less than 75,000 gallons of gasoline or 100,000 gallons of diesel fuel held completely in underground storage tanks (USTs) which are in compliance with all UST Regulations.

Individual states are allowed to stipulate whether a Tier I or a Tier II Hazardous Material Inventory Form will be used.

The Tier I form requires chemicals be identified only by hazard category (Immediate (acute) health hazard; Delayed (chronic) health hazard; Fire hazard; Sudden release of pressure hazard; and Reactive hazard). The maximum and average daily amount of each hazard category must be reported along with the general storage location and number of days a single chemical was on site.

The KYERC requires the use of the Tier II form for all Kentucky facilities required to report.

The Tier II form requires the name and chemical abstract service identification number (CAS) for each chemical meeting the reporting quantities. The Tier II also requires reporting of the maximum storage amount, average daily amount, general storage location, and number of days on site for each reported chemical. The specific location of a chemical may be kept confidential from the general public if a confidentiality claim form is filed.

As previously mentioned, March 1 is the annual due date for filing the Tier II for chemicals above the RQ (non-EHS) or TPQ (EHS) on site at anytime during the previous calendar year. Tier II inventory forms must be filed prior to March 1 with the KYERC, the LEPC of the county where the facility is located, and the local Fire Department having jurisdiction for the facility. Submission is required on form DES/SARA 312. Tier II and the applicable fee are required to be filed simultaneously to the KYERC. A multiple facility Tier II sheet is available for those businesses having more than one facility. The LEPC and Fire Departments do not require submission of a fee. A computer-generated form containing all the information in DES/SARA-312 and DES/SARA-312-C will be accepted. DES/SARA-

312-C is filed along with DES/SARA 312 if a facility desires to keep the location of hazardous chemicals confidential.

Submission of a hardcopy of the Tier II form is required to the KYERC. However, the KYERC allows and encourages the voluntary submission of the electronic file used to generate a computerized hardcopy in addition to the hardcopy itself. Use of the Environmental Protection Agency's (EPA) Tier 2 Submit program allows the output of both a hardcopy and an electronic file. The hardcopy and check should be sent to the KYERC at 100 Minuteman Parkway, EOC, Boone National Guard Center, Frankfort, KY 4601-6168. The electronic file may be voluntarily submitted as a CD to the KYERC or e-mailed to kytier2reports@ng.army.mil.

LEPCs (with the exception of Jefferson County which requires the electronic submission of Tier II using the EPA Tier 2 Submit program) and Fire Departments may decide in what format they want the annual Tier II inventory reports submitted. The Tier 2 Submit program can be found at <http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/tier2.htm>

Tier 2 Fees

Fees are payable in accordance with the schedule below except the same owner or owners of two or more facilities in a single county subject to paying a fee will not pay a fee exceeding \$250 for all those facilities in a county. Checks should be made payable to Kentucky State Treasurer for the KYERC Fee Account.

\$0	Category One Facility
\$40	Category Two Facility
\$250	Category Three, Four and Five Facilities

Category One Facilities

Any facility owned or operated by local, state or federal government. Category one facilities are exempted from paying any fee in accordance with KRS 39 E.050.

Category Two Facilities

Any facility that has not less than ten thousand (10,000) pounds and not more than four hundred ninety nine thousand, nine hundred and ninety nine (499,999) pounds of each of ten (10) or fewer hazardous substances at any time during the calendar year. The combined total of all hazardous substances shall not exceed four hundred ninety nine thousand, nine hundred ninety nine (499,999) pounds.

Category Three Facilities

Any facility that has ten thousand (10,000) pounds or more of each of eleven (11) or more hazardous substances. The combined total of all hazardous substances shall not exceed four hundred ninety nine thousand, nine hundred and ninety nine (499,999) pounds.

Category Four Facilities

Any facility that has a total inventory of over four hundred ninety nine thousand, nine hundred ninety nine (499,999) pounds.

Category Five Facilities

Any facility that has an Extremely Hazardous Substance listed in 40 CFR Part 355 as amended (EPA's list of Extremely Hazardous Substances) in excess of the threshold planning quantity or 500 pounds whichever is less.

EMERGENCY REPORTING REQUIREMENTS – EPCRA SECTION 304

In addition to annual hazardous chemical inventory reporting, facilities must immediately notify the LEPC and KYERC, if there is a release into the environment of a hazardous substance that is equal to or exceeds the minimum reportable quantity set in the regulations. This requirement covers all extremely hazardous substances as well as the more than 700 hazardous substances subject to the emergency notification requirements under CERCLA Section 103(a)(40 CFR 302.4). Some chemicals are common to both lists.

The following reports need to be made by the facility:

- In the event of an accidental release of CERCLA hazardous and/or EPCRA extremely hazardous substances, a facility must make a release report if the quantity released exceeds the Reportable Quantity (RQ) of the substance. RQs for these substances are found on the Environmental Protection Agency's (EPA) List of Lists (LOL).
- Emergency Release Notification must be given immediately after a reportable release by the owner or operator of a facility to the county 24-hour warning point, to the SERC Duty Officer at 1-800-255-2587, and to the Kentucky Department for Environmental Protection (KYDEP-ERT) Environmental Response Team Hotline at 1-800-928-2380.
- If the release is above the reportable quantity for a CERCLA chemical, a release report must also be given to the National Response Center (NRC) at 1-800-424-8802.

In addition to the above notifications, if the hazardous material release is the result of a transportation incident, the owner/operator of the vehicle responsible for the release must contact the emergency response number as required by 49 CFR 172.604.

Initial notification can be made by telephone, radio, or in person. Emergency notification requirements involving transportation incidents can be met by dialing 911 calling the operator. This emergency notification needs to include:

- The chemical name
- An indication of whether the substance is extremely hazardous;
- An estimate of the quantity released into the environment;
- The time and duration of the release;
- Whether the release occurred into air, water, and/or land;
- Any known or anticipated acute or chronic health risks associated with the emergency, and where necessary, advice regarding medical attention for exposed individuals;
- Proper precautions, such as evacuation or sheltering in place;
- Name and telephone number of contact person.

A written follow-up notice must be submitted to the SERC and LEPC as soon as practicable after the release. The follow-up notice must update information included in the initial notice and provide information on actual response actions taken and advice regarding medical attention necessary for citizens exposed.

A Reporting Matrix chart summarizing inventory and emergency reporting requirements is provided below.

TABLE 2

REPORTING MATRIX					
PROGRAM	CERCLA 103	EPCRA EHS 304	EPCRA TIER II 302, 311, 312	EPCRA TRI 313	CAA 112 r
Report Type	Release	Release	Inventory	Inventory	
Report Name	Incident	Incident	Tier II	Form R Form A	
Report To	NRC KYDEP-ERT	NRC KYDEP-ERT LEPC	SERC LEPC FD	Federal EPA State EPA	
Report Period		Follow up ASAP	Previous Calendar Year	Previous Calendar Year	
Due Date	Immediate	Immediate	March 1	July 1	
Plan Required		SARA Title III also known as TAB Q-7			RMP

SARA TITLE III (TAB Q-7) PLANS

EHS have additional reporting and planning requirements beyond Tier II. Facilities having any of these chemicals in quantities greater than 500 pounds or the threshold planning quantity (TPQ) whichever is lower are required to notify the KYERC of the presence of these chemicals within sixty (60) days of the receipt of such chemicals. Within 30 days after notification the facility is required to provide emergency response planning information to the LEPC and assist the LEPC to develop a Title III Plan for all EHS in excess of the TPQ. In accordance with KRS 39E.150, the Plan will be included in the County's Emergency Operation Plan (EOP) hazardous materials appendix. This appendix is currently Appendix Q of the EOP. Annex Q-7 is Facility Emergency Response and the SARA Title III plans are contained in TAB Q-7 of this annex. Hence, the name TAB Q-7 that has been applied in Kentucky to the EHS Plans required under SARA Title III.

The elements that need to be present in Kentucky's Title III Plans are listed in 106 KAR 1:091 and combine the Plan Provisions in Public Law 99-499 and several additional requirements of the Kentucky Emergency Response Commission (KYERC). All Kentucky Title III Plans must contain the items listed below

Plan Elements

Facility Identification (Federal requirement)

Facility name
Address
Longitude and Latitude (if known).

Kentucky requires that a legible sketch of the facility be included showing the layout of buildings and equipment and location of any EHS at the facility. A north arrow and the street name where access to the facility may be obtained need to be shown. The locations of EHS must be provided to the Local Emergency Planning Committee (LEPC), the responding Fire Department, and the KYERC. However, if requested by the facility, the drawing may be removed from the Plan prior to public inspection.

Designation of a Facility Emergency Response Coordinator and Alternate (Federal Requirement)

Name and title of persons designated
Phone Numbers: Any of the following which are available: Office, FAX, Cell, Home, Pager. One of the numbers must provide 24 hour access to the Coordinator and alternate.

Identification of all Extremely Hazardous Chemicals (Federal Requirement)

Chemical Name

Chemical UN ID#

Chemical CAS ID#

Physical Form ie. liquid, solid or gas

Container type, ie. drum, tank, cylinder, etc.

Maximum Quantity in pounds

Health Risk: Provide brief health risk description from MSDS or other source for each Extremely Hazardous Chemical (EHS) identified.

Facility Response Point (Kentucky Requirement)

The facility response point (RP) is the location where the Facility Emergency Response Coordinator will meet off-site response personnel. The RP may be a designated point at the facility or at another location if the situation makes the first choice impractical.

Directions to the RP from the facility must be Included as well as the following statement "The facility representative who meets off-site response personnel at the RP should have a copy of the facility Title III Plan, contingency plan (if available), appropriate MSDS and should be prepared to brief responders on the current situation."

Staging Point (Kentucky Requirement)

The staging point is the location where support vehicles, equipment and personnel will report to await assignment by the incident commander. When practical, the location of these points should be outside the area of the potential vulnerable zone. Also include the location of an alternate staging point should the primary location prove impractical due to wind direction or some other factor.

Transportation Routes (Federal Requirement)

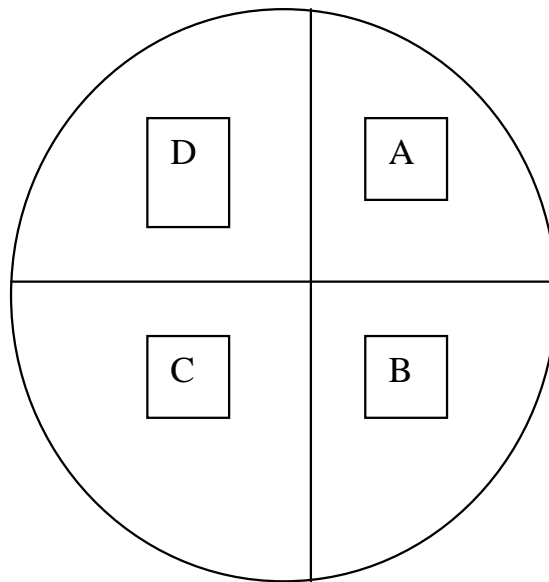
Directions from the County line to the facility for all suppliers of EHS must be included. For each EHS the supplier(s) name, address, and phone number need to be provided.

Special Facilities Likely to be Affected by a Release (Federal Requirement)

The radius of the vulnerable (potentially impacted) zone around the facility must be determined. Radii are based upon the airborne release of EHS gasses or

vaporized liquids or solids from the worst credible accident. This section of the Plan includes information on the type and quantity of chemical and other parameters used to determine the radius and the method (CAMEO or EPA Technical Guidance for Hazards Analysis 1987) with which the radius was determined.

A base map with the appropriate scale showing the designated radius of the vulnerable zone around the facility is required. The drawing needs to be divided into four quadrants labeled as A, B, C, D beginning in the northeast quadrant and proceeding in a clockwise direction as shown below.



For **each quadrant** the **Total Population** (residential and business) is required. Also the facility name, contact person and phone number for any **Special Facilities** within each quadrant must be provided. These facilities may include but are not limited to Schools, Day Cares, Nursing Homes, Hospitals, Factories and other businesses, Emergency Responders such as Police and Fire Departments, and Recreational Areas.

Protective Actions (Federal Requirement)

The protective actions (shelter-in-place or evacuation) that may be employed in the event of a release are stated. Possible language to be used in this section is provided in the **SARA Title III Plan Guidance** available on the KYEM website at <http://kyem.ky.gov/>. Also information regarding who will determine what protective actions will be employed and how the public will be contacted – by phone, radio, television, etc. needs to be stated. Also provide the name of the individual(s) and/or agencies who will determine when the area is free of contaminants and when protective measures can cease.

Include the name and location of the hospital that will be used for decontamination of persons exposed to hazardous chemicals. Be sure to check if the hospital can provide decontamination on a 24 hour seven day a week basis.

Emergency Equipment on hand/Training/Exercising (Federal Requirements)

Facility

Provide a list of equipment available at the facility for responding to a hazardous materials incident. Provide a description and training schedule for employees who handle hazardous materials. Provide a description of and schedule for facility training exercises. If you do not have an exercise program, include a statement that the facility will participate in hazardous materials exercises when requested by local officials. Of course, the statement must be endorsed by the facility.

Community

Equipment available to any of the community emergency response personnel may be listed or the Emergency Resource Inventory List (ERIL) may be referenced. **Note:** If other sections of the plan are referenced, ensure they are adequate and current. Provide a description of the training level of community response personnel (fire dept., hazmat team, etc.), and a description of and schedule for community responder training exercises.

Spill Containment/Clean-Up/Disposal (Kentucky Requirement)

Describe any procedures/systems in place to minimize the loss of chemicals during an unplanned release. If the chemicals vaporize immediately when released and containment is not possible, please note. Provide clean-up procedures to be taken following a chemical release. Explain how recovered materials will be disposed of by response personnel or by a clean-up contractor. If the facility has procedures in place for disposal, describe them. If clean-up and disposal require compliance with Environmental and Public Protection Cabinet (E&PPC) regulations please include a statement to the effect that these regulations will be followed. Provide a list of clean-up contractors who may be employed to assist with containment, clean-up, and disposal operations in the event of a release at the facility.

Emergency Notification (Kentucky Requirement)

A list of emergency response agencies is provided on the following page. This is provided as a guide and lists the minimum number of agencies which are usually involved in a hazardous materials release. **Note:** The Haz-mat Coordinator listed in the Emergency

Notification section of the Title III Plan is the COMMUNITY Hazardous Materials Coordinator. Add any appropriate telephone numbers for your jurisdiction. If the vulnerable zone extends into an adjacent county or state, notification numbers for those jurisdictions must be included.

Plan Format

The SARA Title III Plan should be completed using a 12 point Arial Font. Center the page number on the bottom of the page and include the Plan Number eg. TAB Q-7-20-1 with the last number being the page number. The county number, change number*, and year should be on the same line as the page number and should end at the right margin eg. 056-02-07

All KYEM Area Offices except Area 13 use the same outline for the Title III Plan. Area 13 uses a different outline but the formatting requirements listed above are the same. Generic Title III Plans are contained in Appendix B and can be used for reference.

*see Annual LEPC Title III Certification Letter section.

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SARA Title III Plan Changes

Administrative Change Definition

Administrative changes are those changes that in themselves do not materially affect response operations in the event of a release of an extremely hazardous substance. These changes include: name change of the facility, changes to telephone numbers, personnel changes, and changes to the names or numbers of affected special facilities listed for a quadrant in the vulnerable zone (unless these changes are due to a change in the radius of the vulnerable zone).

Technical Change Definition

Technical changes are those changes that materially affect response operations in the event of a release of an extremely hazardous substance (EHS). These include changes to the type or quantity of EHS chemicals that may cause an increase or decrease in the radius of the vulnerable zone, and other changes that affect the size of the vulnerable zone. In the event of a change in the size of the vulnerable zone, corresponding sections of the Title III Plan such as Response Point, Staging Area, and Special Facilities should be reviewed to determine if and how the change has affected these sections. If Special Facilities have been added to or subtracted from quadrants due to the change in radius the drawing of the new radius should include these changes.

Plan Submission

New SARA Title III plans or existing SARA Title III Plans (“Plan”) with technical changes require approval from a quorum of the KYERC prior to their inclusion in the County EOP. The following steps are followed in the submission and approval process:

- The Plan must first be reviewed by the LEPC of the county in which the facility is located using the County Title III Plan Checklist (“Checklist”).
- If the LEPC finds the Plan acceptable, the Checklist shall be signed by the LEPC Chair and the Plan and Checklist forwarded to the KYEM Area Manager for the county where the facility is located.
- The Area Manager will complete his/her portion of the Checklist and send both it and the Plan to the SARA Title III Planner for final review before presentation to the Emergency Planning and Response Committee (“Committee”) of the KYERC.
- The Planner will send a receipt notice to the Area Manager and the LEPC stating that the Plan has been recommended for approval and giving the dates of the KYERC Committee and full KYERC meetings. If the Planner does not approve the Plan it will be returned with comments to the Area Manager for correction by the preparer.
- New SARA Title III Plans and existing Plans with technical changes approved by the Committee shall be presented by the Committee Chair to the full KYERC during the next scheduled meeting.
- If the KYERC accepts the Title III Plan an approval letter signed by the Chairperson of the KYERC will be sent to the LEPC, the Area Manager, and the County Judge/Executive. If the KYERC does not accept the Plan as presented a disapproval letter will be sent to the LEPC and Area Manager.

The County Title III Checklist was revised in 2006 to allow differentiation between administrative and technical changes made to Title III Plans. Administrative changes do not require approval by the KYERC and a Checklist does not need to be prepared. The definitions of Administrative and Technical Changes are given above. A copy of the Checklist is provided in Appendix C.

LEPC FEE ACCOUNT GRANT ELIGIBILITY REQUIREMENTS

KRS 39E.050 establishes a fee system for those facilities required to report their inventories annually under EPCRA. The funds derived from the fee system are placed in a trust and agency account, which is known as the "Kentucky Emergency Response Commission Fee Account" herein called the "Fee Account". The funds in the Fee Account are made available to LEPCs for administration of the SARA Title III program at the local level. Eligibility for Fee Account grants is established in the calendar year preceding the grant application. For example eligibility for a grant application due May 1 needs to have been established between January 1 and December 31 of the prior year.

106 KAR 1:091 establishes requirements for LEPCs to be eligible for receipt of grant money from the Fee Account. They are as follows:

(1) LEPCs which have extremely hazardous substances in excess of the threshold planning quantity present in their community shall meet all the following criteria during the preceding calendar year (January 1 through December 31):

- The LEPC must complete all duties listed in KRS 39E.110. These duties are provided in the LOCAL EMERGENCY PLANNING COMMITTEE DUTIES Section in this Manual.
- LEPCs will have an emergency response plan (County EOP) that has been approved by the KYERC that shall contain an approved Title III Plan (aka Tab Q-7) as in Section 6 of 106 KAR 1:081 for each facility in the planning district that has EHS above the TPQ.
- The LEPCs shall submit new Title III plans to the KyEM Area Manager within sixty (60) days of notification that the facility has an extremely hazardous substance in excess of the threshold planning quantity.
- After new or updated Title III Plans are submitted, and no later than April 1 each year, the LEPC shall review all the Title III Plans and send a Certification Letter to the KyEM Area Manager stating that there were no changes and therefore the plan is correct as is; or the plan has been revised and the type of revision is included in the certification. However, new Title III plans or revised plans requiring review by the KYERC can be submitted to the Area Manager for review at any time following their completion.
- The LEPC shall meet at least twice during each calendar year (January 1 through December 31) to conduct its business and a quorum shall be required.
- No later than December 1 each year, the local emergency planning committee shall submit an updated membership list to the SERC.
- In accordance with KRS Chapter 424 (Legal Notice), the local emergency planning committee shall publish during each calendar year (January 1 through December 31) public information on committee activities entitled "Public (Legal) Notice

Advertisement" on form SARA-324. A copy of the published notice will be submitted by the LEPC to the SERC. A copy of form SARA-324 is presented at the end of this Section.

(2) To be eligible for financial assistance, LEPCs which do not have any extremely hazardous substances (as listed in 106 KAR 1:081, Section 6) in excess of the threshold planning quantity present in their community shall meet the following criteria during the preceding calendar year (January 1 through December 31):

The LEPC shall meet criteria set forth in KRS 39.840 (1)(b), (c), (d), (2), (4), (5) and Section 1(4) and (5) of 106 KAR 1:09. These regulations are as follows:

- Identification of a twenty-four (24) hour warning point within the district to which persons responsible for releases of hazardous substances must report those releases.
- Establishment of a method, consistent with federal law, commission policies, and administrative regulations, by which manufacturers, users, or storers of hazardous substances may report the presence of those substances, and by which members of the public may obtain information about those substances; eg maintenance of Tier II forms.
- Appointment of a committee chairman, from among its members, for a term of two (2) years. Chairmen may be reappointed.
- Local committees shall advise the commission of their actions by providing a copy of minutes to the SERC within thirty (30) days of the date of the meeting. If the minutes are later changed before approval, a copy of the revised minutes shall be submitted to the SERC within thirty (30) days of the approval.
- Members of local committees shall serve for terms as specified by the commission, though not to exceed four (4) years except by reappointment. Committees may establish attendance standards for continued membership and shall advise the commission of any additions or deletions from the membership that are desired. These changes may be approved or disapproved by the commission.
- Committee meetings shall be subject to provisions of KRS 61.805 to 61.850 relating to public meetings and to KRS 61.870 to 61.884 relating to open records, provided that trade secrets, as determined by the federal Environmental Protection Agency, are processed in accordance with 42 U.S.C. 11042.
- The local emergency planning committee shall meet at least once during each calendar year (January 1 through December 31) to conduct its business and a quorum shall be required.
- Annual publication of a "Legal Public Notice" as outlined above.

A formula for determining the grant amount that each LEPC shall receive is established in 106 KAR 1:121.

A copy of the eligible expenses and application form for LEPC grants is provided in Appendix D.

ANNUAL LEPC TITLE III CERTIFICATION LETTER

Each LEPC is required to prepare an annual LEPC Title III Certification Letter documenting the status of its Title III Plans. The status may be designated as one of the following:

- New
- Under Development
- Technical Change
- Administrative Change
- No Change
- Deleted (date and reason for deletion)

If a facility has a Title III Plan in the EOP but does not have EHS, note the facility as non-EHS on the letter.

MEMORANDUM OF CHANGE

All changes to be made to sections of the County EOP including Title III Plans, need to be accompanied by a Change Memorandum signed by the County Emergency Management Director. The number of the Change Memorandum is assigned sequentially. The Change Memorandum and accompanying changed pages are submitted to the KYEM Area Manager. This change number is used in the footer on the right side of the pages of the EOP Plan.

Copies of a draft Public Notice, and the Annual Certification Letter and Change Memorandum formats are provided below.

PUBLIC (LEGAL) NOTICE ADVERTISEMENT

_____ COUNTY EMERGENCY PLANNING COMMITTEE

Pursuant to Section 324, Title III of the 1986 Federal Superfund Amendments and Reauthorization Act (SARA) of 1986 (PL 99-499), the following information is provided in compliance with the Community Right-to-Know requirements of the SARA Law, and the open meetings and open records provisions of Kentucky Revised Statutes. Members of the public may contact the (name of county) County Emergency Planning Committee by writing (name of chairman), Chairman of the (name of county) County Emergency Planning Committee, (working address of chairman or committee), (city), Kentucky (zip code), or contacted by telephone at (area code), (telephone number established by the committee). The (name of county) County Emergency Planning Committee conducts meetings at (name of building), (local address), or at other locations, in accordance with the Kentucky Open Meetings Law. Members of the public may request to be notified of regular or special meetings as provided in KRS 61.820 and KRS 61.825. Records of the Planning Committee, including the county emergency response plan, material safety data sheets, and inventory forms, or any follow-up emergency notices as may subsequently be issued, are open for inspection, and members of the public who wish to review these records may do so (normal hours of business), (Eastern or Central Time), (days of the week), at (location of the office or place where custodian keeps the committee files), as required by the Kentucky Open Records Law. The local 24-hour telephone number for purposes of emergency notification, as required by SARA, is (emergency number adopted by county planning committee).

LEPC STATIONERY

SAMPLE TEXT FOR MEMORANDUM OR LETTER TO THE KYEM AREA MANAGER FROM THE LOCAL EMERGENCY PLANNING COMMITTEE CHAIRMAN FOR THE ANNUAL TITLE III PLAN CERTIFICATION

The _____ County Local Emergency Planning Committee (LEPC) has reviewed all currently existing Kentucky Emergency Response Commission (KyERC) approved TAB Q-7s. Based on this review, which includes information that was received from covered facilities by March 1, for the previous calendar year, the LEPC finds changes (have or have not) occurred to the content of these TAB Q-7s since the KyERC last approved them. Enclosed with this certification are the required TAB Q-7 revisions that the LEPC has processed as a result of any content changes that have occurred.

The following is a complete listing of all TAB Q-7s that have been reviewed by the LEPC as of April 1 and a designation of their current status:

<u>Plan #</u>	<u>Facility Name</u>	<u>Status</u>
TAB Q-7-7	Bloom Fertilizer	NEW -TO BE REVIEWED BY SERC
TAB Q-7-8	BB Brands LTD	TECHNICAL CHANGE -TO BE REVIEWED BY SERC
TAB Q-7-9	Bloom Waste Water Plant	DELETED (DATE)
TAB Q-7-10		RESERVED FOR FUTURE USE
TAB Q-7-11	Jimmy Brands Company	ADMINISTRATIVE CHANGE (DATE)
TAB Q-7-12	Northern States Coop	NO CHANGE
TAB Q-7-13	Pemberton's Pool	NO EHS
TAB Q-7-14	Bluegrass Feed and Seed	UNDER DEVELOPMENT

_____ Date _____

John Doe, Chairman

(County) Local Emergency Planning Committee

(COUNTY NAME) OFFICE OF EMERGENCY MANAGEMENT

MEMORANDUM

TO: Holders of the (County Name) Emergency Operations Plan

FROM: (Person's Name), (County Name), EM Director

SUBJECT: Revision to the EOP (Change #)

DATE: 14 June 2006

1. GENERAL

(Change #) to the (County Name) Emergency Operations Plan is hereby promulgated and is effective immediately.

2. INSTRUCTIONS:

- Remove and replace Tab Q 7-10, Tab Q-7-12 and Tab Q-7-15.
- Delete Tabs Q-7-6, Q-7-7, Tab Q-7-9, Tab Q-7-11, Tab Q-7-14, Tab Q-7-16, Tab Q-7-17, Tab Q-7-18, and Tab Q-7-19. These facilities do not have any EHS.

3. RECORD OF CHANGE:

On the Record of Change page that is located at the front of the (County Name) EOP, enter the following information:

<u>CHANGE:</u>	#__
<u>DATE OF CHANGE:</u>	June 2006
<u>DATE ENTERED:</u>	The actual date the change is entered in the holders copy.
<u>CHANGE MADE BY:</u>	Signature of person who entered this information.

Insert this memorandum in (County Name) EOP just behind the Record of Change page.

Attachment

REMOVE THIS PAGE

APPENDIX A

KENTUCKY REVISED STATUTES AND KENTUCKY ADMINISTRATIVE REGULATIONS

KENTUCKY REVISED STATUTES PERTAINING TO KYERC AND LEPCs

39E.010 Kentucky Emergency Response Commission -- Duties.

The Kentucky Emergency Response Commission is established to:

- (1) Implement all provisions of Title III, Pub. L. No. 99-499, associated federal regulations, and subsequent related legislation and regulations related to hazardous substances; develop policies related to the response of state and local governments to releases of hazardous substances; develop standards for planning for these events; develop reporting requirements for those who manufacture, use, transport, or store these substances; provide information to the public concerning hazardous substances in the community; develop training requirements; and develop requirements for local governments and covered facilities to exercise plans related to hazardous substance response; and
- (2) Perform any other functions assigned by statute or by the chairman.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 58, effective July 15, 1998.

39E.020 Definitions for chapter.

As used in this chapter, unless the context requires otherwise:

- (1) "Commission" means the Kentucky Emergency Response Commission and those persons appointed by the Governor to implement provisions of Title III, Pub. L. No. 99-499 and this chapter.
- (2) "Local emergency planning committee," hereafter referred to as the "local committee," means those persons appointed by the commission to assist in the implementation of Title III, Pub. L. No. 99-499 and this chapter.
- (3) "Release" means, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers and other closed receptacles, of any hazardous substance.
- (4) "Reportable quantity" means an amount of hazardous substances released which requires notification to local and state warning points.
- (5) "Hazardous substance" means a substance specified by Title III, Pub. L. No. 99-499, subsequent federal regulations, this chapter, and subsequent administrative regulations as requiring notification if released or if stored, manufactured, or used.
- (6) "Warning point" means that location, operated by state or local government, and identified by the state commission or local committee, and which is continuously staffed, and which has the capability or responsibility to contact governmental emergency response organizations and, if capability exists, to warn the public of hazards which may affect them.
- (7) "Emergency response organization" means a unit of local government or a unit authorized by local government which may be called to make a response because of a release of a hazardous substance, and whose responsibilities are included in plans developed under this chapter.
- (8) "Facility" means all buildings, equipment structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person, or by any person which controls, is controlled by, or under common control with such person, and which manufactures, stores, or uses substances covered under this chapter. For purposes of KRS 39E.190, the term includes motor vehicles, rolling stock, and aircraft.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 59, effective July 15, 1998.

39E.030 Members -- Meetings.

- (1) The commission shall be composed of not more than twenty-five (25) members and shall be chaired by the director of the Division of Emergency Management of the

Department of Military Affairs, who shall also be a member. Other members shall include, but not be limited to, the executive director of the Commission on Fire Protection Personnel Standards and Education or the executive director's designee, representatives of the Environmental and Public Protection Cabinet, the office of the state fire marshal, the Department of Kentucky State Police, the Office of the Attorney General, affected industry, local government, health services, environmental interests, and other persons who have technical expertise in the emergency response field as the Governor deems appropriate.

(2) Members of the commission shall be appointed by the Governor. All appointments shall be for a term of two (2) years. Members shall serve until their successors are appointed and qualified and shall be eligible for reappointment.

(3) The commission shall meet not less than semi-annually, or as convened by the chairman.

(4) If a member misses three (3) consecutive meetings of the full commission or three (3) meetings in two (2) consecutive years, the position shall be declared vacant by the commission. In these cases, the Governor shall make an appointment to fill the unexpired term.

(5) The presence of thirteen (13) members shall constitute a quorum and actions taken at these meetings shall be considered as actions of the full commission.

(6) Members of the commission shall not receive a salary for serving on the commission, but travel and per diem may be paid if funds are appropriated or otherwise made available for these purposes.

Effective: June 26, 2007

History: Amended 2007 Ky. Acts ch. 85, sec. 121, effective June 26, 2007. -- Amended 2005 Ky. Acts ch. 82, sec. 1, effective June 20, 2005. -- Created 1998 Ky. Acts ch. 226, sec. 60, effective July 15, 1998.

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.

39E.040 Duties -- Appointment of committees.

The commission shall:

(1) Appoint local emergency planning committees and revise these committees as it deems appropriate. The committees shall include, as a minimum, representatives from each of the following groups:

- (a) Elected local officials;
- (b) Law enforcement;
- (c) Emergency management;
- (d) Fire service;
- (e) First aid;
- (f) Health service;
- (g) Local environmental;
- (h) Hospital;
- (i) Transportation;
- (j) Broadcast and print media;
- (k) Community groups; and

(l) Owners and operators of facilities subject to this chapter;

(2) Adopt standards and procedures for the operations of local committees;

(3) Develop reporting requirements and procedures consistent with those of Title III, Pub. L. No. 99-499, for individuals, businesses, and governmental agencies that manufacture, use, store, or transport hazardous substances;

(4) Develop guidance and standards for plans related to hazardous substances;

(5) Approve, disapprove, and, where necessary, make recommendations to improve plans developed by local emergency planning committees;

(6) Recommend administrative regulations to the director for issuance by the Division of Emergency Management to implement provisions of this chapter, consistent with

Title III, Pub. L. No. 99-499;

- (7) Receive from any source and authorize the expenditure of funds;
- (8) Develop policies relating to the training of committees and persons subject to respond to releases of hazardous substances;
- (9) Develop policies relating to exercising and testing plans developed by local emergency planning committees;
- (10) Specify a warning point to which all required emergency notifications shall be made;
- (11) Develop a procedure by which facilities may report the presence and inventories of hazardous substances and by which members of the public may obtain these reports;
- (12) Annually review all commission policies and procedures and update them as necessary; and
- (13) Adopt policies for the conduct of the business and duties of the commission.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 61, effective July 15, 1998.

39E.050 Fees -- Trust and agency accounts -- Administrative regulations.

(1) The commission shall institute a fee system to assist in the administration of its programs and activities at both state and local levels.

(2) (a) Any facility required to report under the provisions of this chapter shall annually submit to the commission the required fee of forty dollars (\$40) no later than March 1. This paragraph shall not apply to facilities that pay a fee pursuant to paragraph (b) of this subsection.

(b) Any facility required to report under the provisions of this chapter and which meets any of the following standards shall annually submit to the commission the required fee of two hundred fifty dollars (\$250) no later than March 1:

- 1. The facility has any of the extremely hazardous substances identified in 40 C.F.R. Part 355, as amended;
- 2. The facility has eleven (11) or more hazardous substances as defined in KRS 39E.020; or
- 3. The facility has a total inventory of hazardous substances as defined in KRS 39E.020 of over four hundred ninety-nine thousand nine hundred ninety-nine (499,999) pounds.

(c) If the same owner or owners own two (2) or more facilities in a single county and all of the facilities are required to submit fees pursuant to paragraph (a) of this subsection, the fees due from the owner or owners shall not exceed a total of two hundred fifty dollars (\$250) for all those facilities in that county.

(d) The provisions of this subsection shall not apply to a facility owned or operated by local, state, or federal government.

(3) The funds derived from the fee system shall be placed in a trust and agency account, which shall be known as the "Kentucky Emergency Response Commission Fee Account," and which shall not lapse. The funds in the account shall be expended only for the purpose specified in subsection (1) of this section.

(4) The commission shall promulgate administrative regulations to implement the provisions of this section, for issuance by the Division of Emergency Management.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 62, effective July 15, 1998.

39E.060 Permissive activities of commission.

The commission may undertake other activities that are:

- (1) Required by federal law or regulation;
- (2) Authorized by federal law or regulation;
- (3) Authorized by executive order of the Governor;
- (4) Clearly adjunct to the duties specified in KRS 39E.040;
- (5) Necessary to approve or disapprove actions of the local committees;
- (6) Necessary to effectively implement the requirements of Title III, Pub. L. No. 99-499; and
- (7) Necessary to commence a civil action against the owner or operator of a facility for

failure to comply with the provisions of Section 326, Title III, Pub. L. No. 99-499.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 63, effective July 15, 1998

39E.070 SARA Title III programs account.

(1) The "SARA Title III Programs Account" is hereby established as a trust and agency account in the State Treasury for the purpose of assisting in the administration and operation of programs authorized by this chapter.

(2) Funds from civil and other penalties, donations, and sources other than fees shall be placed in the account. The account shall not lapse.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 64, effective July 15, 1998.

39E.080 Administrative support by Division of Emergency Management -- Protection of federal funds -- Administrative regulations.

(1) The Division of Emergency Management shall provide administrative support to the commission within the limitation of staff resources. The division may employ staff and may acquire technical or professional assistance as determined to be necessary by the director of the division, and for whom federal, state, or other funds have been provided.

(2) Persons employed under this section shall report to the director of the division and shall implement policies and directives of the commission as specified by the director. Other employees of the division may also support the commission and assist in the implementation of hazardous substance planning, reporting, investigation, training, and exercising as directed by the director. In cases when the commission develops policies or directives which cannot reasonably be implemented by division staff, the director may defer implementation until sufficient resources exist. In cases when the director advises the commission, in writing, that the division cannot provide requested resources, the commission may seek assistance from other agencies of state government.

(3) In no case shall the director devote division resources to support the commission if that support would result in the withdrawal of federal or state funds from the division.

(4) The division shall, upon concurrence by the director, promulgate administrative regulations recommended by the commission and consistent with Title III, Pub. L. No. 99-499. The regulations shall include, but not be limited to:

- (a) Substances which require inventory reporting;
- (b) Quantities of each substance covered; and
- (c) Emergency notification procedures and requirements.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 65, effective July 15, 1998.

39E.090 Local emergency planning districts.

Local emergency planning districts shall be consistent with county boundaries. The commission may authorize two (2) or more districts to combine, upon request of the committees of the affected districts. There shall be only one (1) emergency planning committee within a district.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 66, effective July 15, 1998.

39E.100 Local planning committees.

(1) Local emergency planning committees are created as part of the state commission.

(2) Local committee members shall be appointed by the commission, and shall be considered as agents of the state for all purposes, including purposes of liability protection.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 67, effective July 15, 1998.

39E.110 Committee duties.

(1) Duties of the committees shall include:

(a) Development of plans to prepare emergency response organizations within cities, counties, urban-county governments, and charter county governments to respond effectively to releases of hazardous substances;

(b) Identification of a twenty-four (24) hour warning point within the district to which persons responsible for releases of hazardous substances must report those releases;

(c) Establishment of a method, consistent with federal law, commission policies, and administrative regulations, by which manufacturers, users, or storers of hazardous substances may report the presence of those substances, and by which members of the public may obtain information about those substances;

(d) Appointment of a committee chairman, from among its members, for a term of two (2) years. Chairmen may be reappointed;

(e) Development and maintenance of plans consistent with administrative regulations promulgated by the commission; and

(f) Development of procedures for the annual review of emergency plans and procedures developed under this chapter.

(2) Local committees shall advise the commission of their actions by providing a copy of minutes to the commission within thirty (30) days of the date of the meeting. If the minutes are later changed before approval, a copy of the revised minutes shall be submitted to the commission within thirty (30) days of the approval.

(3) Local committees may request the chief of the fire department with jurisdiction over a facility which has, or may have, substances subject to Title III, Pub. L. No. 99-499, to make on-site inspections of the facilities and to report all findings to the chairman of the committee.

(4) Members of local committees shall serve for terms as specified by the commission, though not to exceed four (4) years except by reappointment. Committees may establish attendance standards for continued membership and shall advise the commission of any additions or deletions from the membership that are desired. These changes may be approved or disapproved by the commission.

(5) Committee meetings shall be subject to provisions of KRS 61.805 to 61.850 relating to public meetings and to KRS 61.870 to 61.884 relating to open records, provided that trade secrets, as determined by the federal Environmental Protection Agency, are processed in accordance with 42 U.S.C. 11042.

(6) The local committee may, after consultation with the commission chairman, seek civil remedies prescribed in Section 326, Pub. L. No. 99-499.

(7) The local committee may, with the advice and consent of the commission chairman, submit information to the county attorney for prosecution.

(8) Consultations pursuant to subsection (6) of this section shall be made prior to the giving of notice of intent to commence a civil action.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 68, effective July 15, 1998.

39E.120 Commission to be advised of receipt of excess quantities of hazardous substances.

Owners or operators of facilities which manufacture, use, or store extremely hazardous substances, as identified in 40 C.F.R. Part 355, and in quantities as identified in administrative regulations promulgated by the Division of Emergency Management shall advise the commission, local committee, and fire department in whose jurisdiction the facility resides, of the name of the substance and its quantity, within sixty (60) days of the date the facility first receives the substance or substances in excess of the quantities as identified in the administrative regulations, or if there is a revision of these regulations and the facility has present a substance or substances on the revised list in excess of the quantity established for those substances, within sixty (60) days.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 69, effective July 15, 1998.

39E.130 Naming of facility representatives -- Liaison duties.

Owners or operators of facilities covered under KRS 39E.120 shall identify, within thirty (30) days of notifying the commission that the facility is subject to this chapter, the name of a facility representative who will work with the local committee in the development of emergency plans, and that person shall provide information necessary to the development of those plans.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 70, effective July 15, 1998.

39E.140 Political entities required to participate in local planning process.

(1) City, county, urban-county governments, and charter county governments, school districts, special purpose district boards, or other municipal corporations or political subdivisions of the state or local government shall participate in the planning process conducted by local emergency planning committees. This participation shall include, as a minimum, providing information concerning government-owned or controlled emergency response assets, reviewing plans developed by the committee, and concurring that the final plan can be executed with existing resources.

(2) In local governments where local emergency management agencies receive state or federal funds, those agencies shall provide administrative and planning support to the committee as specified by the director of the division.

(3) If state or federal funds are appropriated specifically to support emergency response planning or other portions of Pub. L. No. 99-499, these funds may be allocated to local emergency management agencies and may be expended as specified by the director.

(4) Local governments may enact ordinances specifying standards which owners or operators of facilities shall meet to provide warning of releases to workers and to the public which may be affected by a release.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 71, effective July 15, 1998.

39E.150 Plan development, approval, and review.

(1) Plans developed under the guidance of the state commission shall be a part of the local emergency operations plan's hazardous materials annex. These plans shall be consistent with the requirements and criteria prescribed by the Kentucky Emergency Operations Plan's hazardous materials annex and shall emphasize a coordinated response by all local emergency response organizations.

(2) If, in the judgment of the commission, the local plan is inadequate, or is inconsistent with the Kentucky Emergency Operations Plan, the local plan shall be returned to the committee and the committee shall revise the plan until approved by the commission.

(3) Local committees shall annually review and update, where appropriate, each plan and submit revisions to the commission.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 72, effective July 15, 1998.

39E.160 Response to be consistent with plan.

After the state commission approves plans developed by each local emergency planning committee, emergency response organizations of each city, county, urban-county government, and charter county government shall respond in a manner consistent with those plans.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 73, effective July 15, 1998.

39E.170 State agency response.

Agencies of state government shall respond, within the confines of the Kentucky Emergency Operations Plan and agency policies, to releases of hazardous substances. Each response shall be consistent with the hazardous materials annex of the Kentucky Emergency Operations Plan. If an on-scene response is required by the Kentucky Emergency Operations Plan or by agency policy, state agencies shall cooperate with one

another and with local emergency response organizations and with the party or parties responsible for that release.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 74, effective July 15, 1998.

39E.180 Claims to be filed with Board of Claims.

Any claims against the commission or committees or their members shall be filed with the State Board of Claims in accordance with KRS Chapter 44.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 75, effective July 15, 1998.

39E.190 Report of release of substance.

When a release of a substance covered under Title III, Pub. L. No. 99-499 and administrative regulations promulgated under this chapter occurs in a reportable quantity, the owner or operator of the facility where the release occurs, or the owner or operator of the vehicle transporting the hazardous substance, shall notify the local and state warning points within times established by administrative regulation. These regulations shall also specify information to be provided upon initial report and in written follow-up reports.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 76, effective July 15, 1998.

39E.200 Establishment of warning and notification standards.

(1) The state commission shall, by administrative regulation promulgated by the Division of Emergency Management, establish warning and notification standards, which shall include, but not be limited to:

- (a) The establishment of twenty-four (24) hour warning points;
- (b) Public warning; and
- (c) Notification of local emergency response organizations.

(2) Any notification made pursuant to this chapter shall not relieve the facility owner or operator or other responsible party of any notification required by other state or federal laws or regulations.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 77, effective July 15, 1998.

39E.210 Report of inventories and location of extremely hazardous substances.

The division shall, upon direction of the commission, promulgate administrative regulations requiring manufacturers, users, or storers of hazardous substances to report information concerning inventories and locations of those substances. These administrative regulations shall use, by reference, lists of extremely hazardous substances and forms issued by the United States Environmental Protection Agency or by the Kentucky Emergency Response Commission.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 78, effective July 15, 1998.

39E.220 Additional information may be required.

Upon request of the commission or local committee, facilities covered by those administrative regulations required in KRS 39E.210 shall, within the time periods prescribed by federal law, provide additional information necessary for developing and implementing the emergency plan about each substance to include, but not be limited to, material safety data sheets.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 79, effective July 15, 1998.

39E.230 Reports available to public -- Protection of trade secrets.

Reports to the commission or committee shall be available to the public upon request in accordance with the provisions of KRS 61.870 to 61.884 relating to open records, if this information is not protected from release to the general public as a trade secret under federal law. Reasonable fees, consistent with KRS 61.874, may be charged for

reproduction of these reports.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 80, effective July 15, 1998.

39E.240 Chapter supplemental to other laws.

No section of this chapter shall be construed as repealing any other laws of the Commonwealth, but it shall be held and construed as ancillary and supplemental to those laws.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 226, sec. 81, effective July 15, 1998.

39E.990 Penalties.

(1) Any person violating any provision of this chapter or any administrative regulation promulgated or order issued pursuant to this chapter for which another penalty is not specified shall be guilty of a Class A misdemeanor.

(2) (a) When a person violates KRS 39E.120, 39E.130, 39E.190, or 39E.220, the commission chairman shall proceed against that person under paragraph (b) of this subsection or subsection (3) of this section but not both.

(b) Any person violating KRS 39E.120, 39E.130, or 39E.220 shall, upon the first conviction thereof, be fined not less than two hundred and fifty dollars (\$250) nor more than five hundred dollars (\$500). If any offense is continued for more than one (1) day, each day upon which the offense occurs or is continued shall be considered and constitute a separate offense and a separate fine may be imposed. Any person violating KRS 39E.120, 39E.130, or 39E.220 shall, upon subsequent convictions, be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000). If any offense is continued for more than one (1) day, each day upon which such offense occurs or is continued shall be considered and constitute a separate offense and a separate fine may be imposed. Any person violating KRS 39E.190 shall, upon the first conviction, be fined not less than one thousand dollars (\$1,000) nor more than twenty-five hundred dollars (\$2,500). If any offense is continued for more than one (1) day, each day upon which the offense occurs or is continued shall be considered and constitute a separate offense and a separate fine may be imposed. Any person violating KRS 39E.190 shall, upon subsequent conviction, be fined not less than twenty-five hundred dollars (\$2,500) nor more than five thousand dollars (\$5,000). If any offense is continued for more than one (1) day, each day upon which the offense occurs or is continued shall be considered and constitute a separate offense and a separate fine may be imposed.

(3) Any person violating any provision of this chapter shall be assessed a civil penalty of not less than two hundred and fifty dollars (\$250) nor more than five hundred dollars (\$500). If any violation is continued for more than one (1) day, each day upon which the violation occurs or is continued shall be considered and constitute a separate violation and a separate civil penalty may be imposed therefor.

Effective: July 15, 1998

KENTUCKY ADMINISTRATIVE REGULATIONS PERTAINING TO KYERC AND LEPCs

106 KAR 1:081. Kentucky Emergency Response Commission fee system requirements.

RELATES TO: KRS 39.800-39.990, 42 U.S.C. 11001-11050

STATUTORY AUTHORITY: KRS 39.817, 39.845, 39.850, 39.890, 42 U.S.C. 11002(c), 11003(c), (d)

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation sets forth the requirements to be followed by facilities subject to paying a fee.

Section 1. Definitions. (1) "Category One Facility" means any facility owned or operated by local, state or federal government which is exempted from paying any fee in accordance with KRS 39.817. This exemption

applies solely to fees and does not exempt any Category One Facility from reporting requirements pursuant to KRS 39.800 to 39.905.

(2) "Category Two Facility" means any facility that has not less than 10,000 pounds and not more than 499,999 pounds of each of ten (10) or fewer hazardous substances. The combined total of all hazardous substances shall not exceed 499,999 pounds.

(3) "Category Three Facility" means any facility that has 10,000 pounds or more of each of eleven (11) or more hazardous substances. The combined total of all hazardous substances shall not exceed 499,999 pounds.

(4) "Category Four Facility" means any facility that has a total inventory of over 499,999 pounds of hazardous substances.

(5) "Category Five Facility" means any facility that has an extremely hazardous substance as set out in Section 6 of this administrative regulation in excess of the threshold planning quantity.

(6) "DES/SARA-312" means the state annual chemical inventory reporting form due March 1 each year, covering the preceding calendar year.

(7) "DES/SARA-312-C" means the confidential state annual chemical inventory reporting form due March 1 each year, covering the preceding calendar year which may be used if a facility elects to withhold location information on a specific chemical from disclosure to the public pursuant to 42 USC 11044(a).

(8) "Hazardous chemical" means any substance for which a facility is required to prepare or have available a material safety data sheet under the Occupational Safety and Health Act of 1970 and federal regulations promulgated under that Act.

(9) "Hazardous substance" means any substance defined in KRS 39.805(5) and for annual inventory reporting purposes shall include hazardous chemicals.

(10) "KyERC" means the Kentucky Emergency Response Commission.

Section 2. Facility Requirements. (1) In accordance with the planning requirements of KRS 39.845 and 39.850, 42 USC 11002(c) and 11003(c)(d), no later than sixty (60) days after a facility notifies the Kentucky Emergency Response Commission that it is subject to the requirements of this section, the facility shall provide emergency response planning information to the local emergency planning committee and shall assist the local emergency planning committee develop a Tab Q-7 or commission-approved equivalent as set out in Section 6 of this administrative regulation for all extremely hazardous substances set out in Section 6 of this administrative regulation in excess of the threshold planning quantity for submission in accordance with the requirements of 106 KAR 1:091.

(2) After initial submission and approval of the Tab Q-7 or commission-approved equivalent in accordance with subsection (1) of this section, each March 1 any facility that has an extremely hazardous substance as set out in Section 6 of this administrative regulation in excess of the threshold planning quantity shall review the Tab Q-7 or commission-approved equivalent and send certification to the local emergency planning committee stating that there were no changes and therefore the plan is correct as is; or the plan has been revised and the revisions are included with the certification.

(3) A Category Five Facility which is not subject to the annual chemical inventory reporting requirement due on DES/SARA-312 and, if applicable DES/SARA-312-C shall comply with Section 2(1) and (2) of this administrative regulation and shall file the fee in accordance with Section 4 of this administrative regulation.

(4) Any facility subject to the annual chemical inventory reporting requirements contained in KRS Chapter 39.890, and 42 USC 11022 shall submit Form DES/SARA-312 and, if applicable DES/SARA-312-C as set out in Section 6 of this administrative regulation no later than March 1 each year in accordance with the filing instructions in Section 4 of this administrative regulation.

Section 3. Fees shall be payable in accordance with the schedule listed below except the same owner or owners of two (2) or more facilities in a single county subject to paying a fee shall pay a fee not to exceed a total of \$250 for all those facilities in that county.

(1) Category One Facility fee is \$0.

(2) Category Two Facility fee is \$40.

(3) Category Three Facility fee is \$250.

(4) Category Four Facility fee is \$250.

(5) Category Five Facility fee is \$250.

Section 4. Filing Requirements for Fees and Forms DES/SARA-312 and DES/SARA-312-C. A computer-generated form containing all the information in DES/SARA-312 and DES/SARA-312-C may be accepted. All fees and forms DES/SARA-312 and, if applicable DES/SARA-312-C, shall be filed simultaneously, no later

than March 1 each year. Checks shall be made payable to "Kentucky State Treasurer" and shall be marked "For KyERC Fee Account". Fees and forms shall be mailed to: Chairman, Kentucky Emergency Response Commission, EOC Building-Boone National Guard Center, Frankfort, Kentucky 40601-6168.

Section 5. Penalties. Failure to comply with provisions of this administrative regulation shall result in penalties as provided in KRS 39.990(3).

Section 6. The forms referred to in Sections 1(6), (7), 2(1), (2), (3), (4) and 4 of this administrative regulation is are set out in this section. The list of extremely hazardous substances referred to in Section 2(1), (2) of this administrative regulation are set out in this section.

Since the Table contained in 106 KAR 1:081 Section 6 did not provide Reportable Quantity values, it was removed and replaced with the EHS Table on the following pages.

TABLE 2 EPA List of List EHS

Name	Cas Number	EPCRA TPQ Sec. 302	EPCRA RQ Sec. 304	CERCLA RQ Sec. 103	TRI Sec. 313	RCRA Code	RMP TQ Sec. 112r
Acetic acid ethenyl ester	108-05-4	1,000	5,000	5,000	Y		15,000
Acetone cyanohydrin	75-86-5	1,000	10	10	Y	P069	
Acetone thiosemicarbazide	1752-30-3	1,000/10,000	1,000				
Acrolein	107-02-8	500	1	1	Y	P003	5,000
Acrylamide	79-06-1	1,000/10,000	5,000	5,000	Y	U007	
Acrylonitrile	107-13-1	10,000	100	100	Y	U009	20,000
Acrylyl chloride	814-68-6	100	100				5,000
Adiponitrile	111-69-3	1,000	1,000				
Aldicarb	116-06-3	100/10,000	1	1	Y	P070	
Aldrin	309-00-2	500/10,000	1	1	Y	P004	
Allyl alcohol	107-18-6	1,000	100	100	Y	P005	15,000
Allylamine	107-11-9	500	500		Y		10,000
Aluminum phosphide	20859-73-8	500	100	100	Y	P006	
5-(Aminomethyl)-3-isoxazolol	2763-96-4	500/10,000	1,000	1,000		P007	
Aminopterin	54-62-6	500/10,000	500				
4-Aminopyridine	504-24-5	500/10,000	1,000	1,000		P008	
Amiton	78-53-5	500	500				
Amiton oxalate	3734-97-2	100/10,000	100				
Ammonia	7664-41-7	500	100	100	Y		
Ammonia (anhydrous)	7664-41-7	500	100	100	Y		10,000
Amphetamine	300-62-9	1,000	1,000				
Aniline	62-53-3	1,000	5,000	5,000	Y	U012	
Aniline, 2,4,6-trimethyl-	88-05-1	500	500				
Antimony pentafluoride	7783-70-2	500	500		Y		
Antimycin A	1397-94-0	1,000/10,000	1,000				
ANTU	86-88-4	500/10,000	100	100		P072	
Arsenic pentoxide	1303-28-2	100/10,000	1	1	Y	P011	
Arsenic trioxide	1327-53-3	100/10,000	1	1	Y	P012	
Arsenous oxide	1327-53-3	100/10,000	1	1	Y	P012	
Arsenous trichloride	7784-34-1	500	1	1	Y		15,000
Arsine	7784-42-1	100	100				1,000
Azinphos-ethyl	2642-71-9	100/10,000	100				
Azinphos-methyl	86-50-0	10/10,000	1	1			
Aziridine	151-56-4	500	1	1	Y	P054	10,000
Aziridine, 2-methyl	75-55-8	10,000	1	1	Y	P067	10,000
Benzal chloride	98-87-3	500	5,000	5,000	Y	U017	
Benzenamine, 3-(trifluoromethyl)-	98-16-8	500	500				
Benzeneearsonic acid	98-05-5	10/10,000	10				
Benzene 1-(chloromethyl)-4-nitro-	100-14-1	500/10,000	500				

Name	Cas Number	EPCRA TPQ Sec. 302	EPCRA RQ Sec. 304	CERCLA RQ Sec. 103	TRI Sec. 313	RCRA Code	RMP TQ Sec. 112r
Benzene 1,3-diisocyanato-2-methyl-	91-08-7	100	100	100	Y		10,000
Benzenethiol	108-98-5	500	100	100		P014	
Benzimidazole, 4,5-dichloro-2-(trifluoromethyl)-	3615-21-2	500/10,000	500				
Benzoic trichloride	98-07-7	100	10	10	Y	U023	
Benzotrachloride	98-07-7	100	10	10	Y	U023	
Benzyl chloride	100-44-7	500	100	100	Y	P028	
Benzyl cyanide	140-29-4	500	500				
Bicyclo[2.2.1]heptane-2-carbonitrile, 5-chloro-6-(((methylamino)carbonyl)oxy)imino)-, (1-alpha,2-beta,4-alpha,5-alpha,6E)-	15271-41-7	500/10,000	500				
2,2'-Bioxirane	1464-53-5	500	10	10	Y	U085	
Bis(2-chloroethyl) ether	111-44-4	10,000	10	10	Y	U025	
Bis(chloromethyl) ether	542-88-1	100	10	10	Y	P016	1,000
Bis(chloromethyl) ketone	534-07-6	10/10,000	10				
Bitoscanate	4044-65-9	500/10,000	500				
Borane, trichloro-	10294-34-5	500	500		Y		5,000
Borane, trifluoro-	7637-07-2	500	500		Y		5,000
Boron trichloride	10294-34-5	500	500		Y		5,000
Boron trifluoride	7637-07-2	500	500		Y		5,000
Boron trifluoride compound with methyl ether (1:1)	353-42-4	1,000	1,000				15,000
Boron, trifluoro[oxybis(methane)]-, (T-4)-	353-42-4	1,000	1,000				15,000
Bromadiolone	28772-56-7	100/10,000	100				
Bromine	7726-95-6	500	500		Y		10,000
Bromomethane	74-83-9	1,000	1,000	1,000	Y	U029	
2-Butenal	4170-30-3	1,000	100	100	Y	U053	20,000
2-Butenal, (e)-	123-73-9	1,000	100	100		U053	20,000
Cadmium oxide	1306-19-0	100/10,000	100		Y		
Cadmium stearate	2223-93-0	1,000/10,000	1,000		Y		
Calcium arsenate	7778-44-1	500/10,000	1	1	Y		
Campechlor	8001-35-2	500/10,000	1	1	Y	P123	
Camphene, octachloro-	8001-35-2	500/10,000	1	1	Y	P123	
Cantharidin	56-25-7	100/10,000	100				
Carbachol chloride	51-83-2	500/10,000	500				
Carbamic acid, methyl-, O-(((2,4-dimethyl-1,3-dithiolan-2-yl)methylene)amino)-	26419-73-8	100/10,000	1*	1*		P185	
Carbofuran	1563-66-2	10/10,000	10	10	Y	P127	
Carbon disulfide	75-15-0	10,000	100	100	Y	P022	20,000
Carbonic dichloride	75-44-5	10	10	10	Y	P095	500
Carbonochloridic acid methylester	79-22-1	500	1,000	1,000	Y	U156	5,000
Carbonochloridic acid propylester	109-61-5	500	500				15,000
Carbophenothion	786-19-6	500	500				
Chloroane	57-74-9	1,000	1	1	Y	U036	

Name	Cas Number	EPCRA TPQ Sec. 302	EPCRA RQ Sec. 304	CERCLA RQ Sec. 103	TRI Sec. 313	RCRA Code	RMP TQ Sec. 112r
Chlorfenvinfos	470-90-6	500	500				
Chlorine	7782-50-5	100	10	10	Y		2,500
Chlormephos	24934-91-6	500	500				
Chlormequat chloride	999-81-5	100/10,000	100				
Chloroacetic acid	79-11-8	100/10,000	100	100	Y		
2-Chloro-N-(2-chloroethyl)-N-methylethanamine	51-75-2	10	10		Y		
Chloroethanol	107-07-3	500	500				
Chloroethyl chloroformate	627-11-2	1,000	1,000				
Chloroform	67-66-3	10,000	10	10	Y	U044	20,000
Chloromethyl ether	542-88-1	100	10	10	Y	P016	1,000
Chloromethyl methyl ether	107-30-2	100	10	10	Y	U046	5,000
Chlorophacinone	3691-35-8	100/10,000	100				
3-Chloropropionitrile	542-76-7	1,000	1,000	1,000	Y	P027	
Chloroxuron	1982-47-4	500/10,000	500				
Chlorthiophos	21923-23-9	500	500				
Chromic chloride	10025-73-7	1/10,000	1		Y		
Cobalt, ((2,2'-(1,2-ethanediy)bis(nitrilomethyldyne)); bis(6-fluorophenylato))(2-)-N,N',O,O')-	62207-76-5	100/10,000	100		Y		
Cobalt carbonyl	10210-68-1	10/10,000	10		Y		
Colchicine	64-86-8	10/10,000	10				
Coumaphos	56-72-4	100/10,000	10	10			
Fluridazole	3878-19-1	100/10,000	100				
Furan	110-00-9	500	100	100		U124	5,000
Gallium trichloride	13450-90-3	500/10,000	500				
Guthion	86-50-0	10/10,000	1	1			
Hexachlorocyclohexane (gamma isomer)	58-89-9	1,000/10,000	1	1	Y	U129	
Hexachlorocyclopentadiene	77-47-4	100	10	10	Y	U130	
Hexamethylenediamine, N,N'-dibutyl-	4835-11-4	500	500				
Hydrazine	302-01-2	1,000	1	1	Y	U133	15,000
Hydrazine, 1,1-dimethyl-	57-14-7	1,000	10	10	Y	U098	15,000
Hydrazine, methyl-	60-34-4	500	10	10	Y	P068	15,000
Hydrocyanic acid	74-90-8	100	10	10	Y	P063	2,500
Hydrofluoric acid	7664-39-3	100	100	100	Y	U134	
Hydrofluoric acid (conc. 50% or greater)	7664-39-3	100	100	100	Y	U134	1,000
Hydrogen chloride (anhydrous)	7647-01-0	500	5,000	5,000	Y		5,000
Hydrogen chloride (gas only)	7647-01-0	500	5,000	5,000	Y		5,000
Hydrogen cyanide	74-90-8	100	10	10	Y	P063	2,500
Hydrogen fluoride	7664-39-3	100	100	100	Y	U134	
Hydrogen fluoride (anhydrous)	7664-39-3	100	100	100	Y	U134	1,000
Hydrogen peroxide (Conc. > 52%)	7722-84-1	1,000	1,000				
Hydrogen selenide	7783-07-5	10	10		Y		500
Hydrogen sulfide	7783-06-4	500	100	100	Y	U135	10,000
Hydroquinone	123-31-9	500/10,000	100	100	Y		
Iron carbonyl (Fe(CO)5). (TB-5-11)-	13463-40-6	100	100		Y		2,500
Iron, pentacarbonyl-	13463-40-6	100	100		Y		2,500
Isobenzan	297-78-9	100/10,000	100				
Isocyanic acid 3,4-dichlorophenyl ester	102-36-3	500/10,000	500				

Name	Cas Number	EPCRA TPQ Sec. 302	EPCRA RQ Sec. 304	CERCLA RQ Sec. 103	TRI Sec. 313	RCRA Code	RMP TQ Sec. 112r
Isodrin	465-73-6	100/10,000	1	1	Y	P060	
Isofluorophate	55-91-4	100	100	100		P043	
Isophorone diisocyanate	4098-71-9	500	500		Y		
Isopropyl chloroformate	108-23-6	1,000	1,000				15,000
Isopropylmethylpyrazolyl dimethylcarbamate	119-38-0	500	1*	1*		P192	
Isothiocyanatomethane	556-61-6	500	500		Y		
Lactonitrile	78-97-7	1,000	1,000				
Leptophos	21609-90-5	500/10,000	500				
Lewisite	541-25-3	10	10				
Lindane	58-89-9	1,000/10,000	1	1	Y	U129	
Lithium hydride	7580-67-8	100	100				
Malononitrile	109-77-3	500/10,000	1,000	1,000	Y	U149	
Manganese, tricarbonyl methylcyclopentadienyl	12108-13-3	100	100		Y		
Mechlorethamine	51-75-2	10	10		Y		
Mephosfolan	950-10-7	500	500				
Mercaptodimethur	2032-65-7	500/10,000	10	10	Y	P199	
Mercuric acetate	1600-27-7	500/10,000	500		Y		
Mercuric chloride	7487-94-7	500/10,000	500		Y		
Mercuric oxide	21908-53-2	500/10,000	500		Y		
Methacrolein diacetate	10476-95-6	1,000	1,000				
Methacrylic anhydride	760-93-0	500	500				
Methacrylonitrile	126-98-7	500	1,000	1,000	Y	U152	10,000
Methacryloyl chloride	920-46-7	100	100				
Methacryloyloxyethyl isocyanate	30674-80-7	100	100				
Methamidophos	10265-92-6	100/10,000	100				
Methanamine, N-methyl-N-nitroso-	62-75-9	1,000	10	10	Y	P082	
Methane, chloromethoxy-	107-30-2	100	10	10	Y	U046	5,000
Methane isocyanato-	624-83-9	500	10	10	Y	P064	10,000
Methane oxybis(chloro-	542-88-1	100	10	10	Y	P016	1,000
Methanesulfonyl chloride, trichloro-	594-42-3	500	100	100	Y		10,000
Methanesulfonyl fluoride	558-25-8	1,000	1,000				
Methane, tetranitro-	509-14-8	500	10	10		P112	10,000
Methanethiol	74-93-1	500	100	100	Y	U153	10,000
Methane, trichloro-	67-66-3	10,000	10	10	Y	U044	20,000
4,7-Methanoindan, 1,2,3,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	57-74-9	1,000	1	1	Y	U036	
Methidathion	950-37-8	500/10,000	500				
Methiocarb	2032-65-7	500/10,000	10	10	Y	P199	
Methomyl	16752-77-5	500/10,000	100	100		P066	
Methoxyethylmercuric acetate	151-38-2	500/10,000	500		Y		
Methyl bromide	74-83-9	1,000	1,000	1,000	Y	U029	
Methyl 2-chloroacrylate	80-63-7	500	500				
Methyl chlorocarbonate	79-22-1	500	1,000	1,000	Y	U156	5,000
Methyl chloroformate	79-22-1	500	1,000	1,000	Y	U156	5,000
Methyl hydrazine	60-34-4	500	10	10	Y	P068	15,000
Methyl isocyanate	624-83-9	500	10	10	Y	P064	10,000
Methyl isothiocyanate	556-61-6	500	500		Y		
2-Methylactonitrile	75-86-5	1,000	10	10	Y	P069	
Methyl mercaptan	74-93-1	500	100	100	Y	U153	10,000
Methylmercuric dicyanamide	502-39-6	500/10,000	500		Y		
Methyl parathion	298-00-0	100/10,000	100	100	Y	P071	
Methyl phenkapton	3735-23-7	500	500				
Methyl phosphonic dichloride	676-97-1	100	100				
Methyltrichlorosilane	75-79-6	500	500				5,000
Methyl vinyl ketone	78-94-4	10	10				

		EPCRA TPQ	EPCRA RQ	CERCLA RQ	TRI		RMP TQ
Name	Cas Number	Sec. 302	Sec. 304	Sec. 103	Sec. 313	RCRA Code	Sec. 112r
Metolcarb	1129-41-5	100/10,000	1*	1*		P190	
Mevinphos	7786-34-7	500	10	10	Y		
Mexacarbate	315-18-4	500/10,000	1,000	1,000		P128	
Mitomycin C	50-07-7	500/10,000	10	10		U010	
Monocrotophos	6923-22-4	10/10,000	10				
Muscimol	2763-96-4	500/10,000	1,000	1,000		P007	
Mustard gas	505-60-2	500	500		Y		
Nickel carbonyl	13463-39-3	1	10	10	Y	P073	1,000
Nicotine	54-11-5	100	100	100	Y	P075	
Nicotine sulfate	65-30-5	100/10,000	100	100	Y		
Nitric acid	7697-37-2	1,000	1,000	1,000	Y		
Nitric acid (conc 80% or greater)	7697-37-2	1,000	1,000	1,000	Y		15,000
Nitric oxide	10102-43-9	100	10	10		P076	10,000
Nitrobenzene	98-95-3	10,000	1,000	1,000	Y	U169	
Nitrocyclohexane	1122-60-7	500	500				
Nitrogen dioxide	10102-44-0	100	10	10		P078	
Nitrogen mustard	51-75-2	10	10		Y		
Nitrogen oxide (NO)	10102-43-9	100	10	10		P076	10,000
N-Nitrosodimethylamine	62-75-9	1,000	10	10	Y	P082	
Nitrosodimethylamine	62-75-9	1,000	10	10	Y	P082	
Norbormide	991-42-4	100/10,000	100				
Organorhodium Complex (PMN-82-147)		10/10,000	10	**			
Ouabain	630-60-4	100/10,000	100				
Oxamyl	23135-22-0	100/10,000	1*	1*		P194	
Oxetane, 3,3-bis(chloromethyl)-	78-71-7	500	500				
Oxirane	75-21-8	1,000	10	10	Y	U115	10,000
Oxirane (chloromethyl)-	106-89-8	1,000	100	100	Y	U041	20,000
Oxirane methyl-	75-56-9	10,000	100	100	Y		10,000
Oxydisulfoton	2497-07-6	500	500				
Ozone	10028-15-6	100	100		Y		
Paraquat dichloride	1910-42-5	10/10,000	10		Y		
Paraquat methosulfate	2074-50-2	10/10,000	10				
Parathion	56-38-2	100	10	10	Y	P089	
Parathion-methyl	298-00-0	100/10,000	100	100	Y	P071	
Paris green	12002-03-8	500/10,000	1	1			
Pentaborane	19624-22-7	500	500				
Pentadecylamine	2570-26-5	100/10,000	100				
Peracetic acid	79-21-0	500	500		Y		10,000
Perchloromethyl mercaptan	594-42-3	500	100	100	Y		10,000
Phenol	108-95-2	500/10,000	1,000	1,000	Y	U188	
Phenol 3-(1-methylethyl)-, methylcarbamate	64-00-6	500/10,000	1*	1*		P202	
Phenol, 2,2'-thiobis[4-chloro-6-methyl-	4418-66-0	100/10,000	100				
Phenoxarsine, 10,10'-oxydi-	58-36-6	500/10,000	500				
Phenyl dichloroarsine	696-28-6	500	1	1		P036	
Phenylhydrazine hydrochloride	59-88-1	1,000/10,000	1,000				
Phenylmercuric acetate	62-38-4	500/10,000	100	100	Y	P092	
Phenylmercury acetate	62-38-4	500/10,000	100	100	Y	P092	
Phenylsilatrane	2097-19-0	100/10,000	100				
Phenylthiourea	103-85-5	100/10,000	100	100		P093	
Phorate	298-02-2	10	10	10		P094	
Phosacetim	4104-14-7	100/10,000	100				
Phosfolan	947-02-4	100/10,000	100				
Phosgene	75-44-5	10	10	10	Y	P095	500
Phosmet	132-11-6	de-listed 12/27/2004					
Phosphamidon	13171-21-6	100	100				

Name	Cas Number	EPCRA TPQ Sec. 302	EPCRA RQ Sec. 304	CERCLA RQ Sec. 103	TRI Sec. 313	RCRA Code	RMP TQ Sec. 112r
Phosphine	7803-51-2	500	100	100	Y	P096	5,000
Phosphonothioic acid, methyl-, O-(4-nitrophenyl) O-phenyl ester	2665-30-7	500	500				
Phosphonothioic acid, methyl-, O-ethyl O-(4-(methylthio)phenyl) ester	2703-13-1	500	500				
Phosphonothioic acid, methyl-, S-(2-(bis(1-methylethyl)amino)ethyl) O-ethyl ester	50782-69-9	100	100				
Phosphoric acid 2-dichloroethyl dimethyl ester	62-73-7	1,000	10	10	Y		
Phosphoric acid dimethyl 4-(methylthio) phenyl ester	3254-63-5	500	500				
Phosphorodithioic acid O-ethyl S,S-dipropyl ester	13194-48-4	1,000	1,000		Y		
Phosphorothioic acid, O,O-dimethyl-5-(2-(methylthio)ethyl)ester	2587-90-8	500	500				
Phosphorothioic acid, O,O-diethyl-O-(4-nitrophenyl) ester	56-38-2	100	10	10	Y	P089	
Phosphorous trichloride	7719-12-2	1,000	1,000	1,000			15,000
Phosphorus	7723-14-0	100	1	1			
Phosphorus (yellow or white)	7723-14-0	100	1	1	Y		
Phosphorus oxychloride	10025-87-3	500	1,000	1,000			5,000
Phosphorus pentachloride	10026-13-8	500	500				
Phosphorus trichloride	7719-12-2	1,000	1,000	1,000			15,000
Phosphoryl chloride	10025-87-3	500	1,000	1,000			5,000
Physostigmine	57-47-6	100/10,000	1*	1*		P204	
Physostigmine, salicylate (1:1)	57-64-7	100/10,000	1*	1*		P188	
Picrotoxin	124-87-8	500/10,000	500				
Piperidine	110-89-4	1,000	1,000				15,000
Pirimifos-ethyl	23505-41-1	1,000	1,000				
Plumbane, tetramethyl-	75-74-1	100	100				10,000
Potassium arsenite	10124-50-2	500/10,000	1	1	Y		
Potassium cyanide	151-50-8	100	10	10	Y	P098	
Potassium silver cyanide	506-61-6	500	1	1	Y	P099	
Promecarb	2631-37-0	500/10,000	1*	1*		P201	
Propanenitrile	107-12-0	500	10	10		P101	10,000
Propanenitrile, 2-methyl-	78-82-0	1,000	1,000				20,000
Propargyl bromide	106-96-7	10	10				
2-Propenal	107-02-8	500	1	1	Y	P003	5,000
2-Propen-1-amine	107-11-9	500	500		Y		10,000
2-Propenenitrile	107-13-1	10,000	100	100	Y	U009	20,000
2-Propenenitrile 2-methyl-	126-98-7	500	1,000	1,000	Y	U152	10,000
2-Propen-1-ol	107-18-6	1,000	100	100	Y	P005	15,000
2-Propenoyl chloride	814-68-6	100	100				5,000
beta-Propiolactone	57-57-8	500	10	10	Y		
Propionitrile	107-12-0	500	10	10		P101	10,000
Propionitrile, 3-chloro-	542-76-7	1,000	1,000	1,000	Y	P027	
Propiophenone 4'-amino	70-69-9	100/10,000	100				
Propyl chloroformate	109-61-5	500	500				15,000
Propyleneimine	75-55-8	10,000	1	1	Y	P067	10,000
Propylene oxide	75-56-9	10,000	100	100	Y		10,000
Prothoate	2275-18-5	100/10,000	100				
Pyrene	129-00-0	1,000/10,000	5,000	5,000			
Pyridine 4-amino-	504-24-5	500/10,000	1,000	1,000		P008	
Pyridine, 3-(1-methyl-2-pyrrolidinyl)- (S)-	54-11-5	100	100	100		P075	

Name	Cas Number	EPCRA TPQ Sec. 302	EPCRA RQ Sec. 304	CERCLA RQ Sec. 103	TRI Sec. 313	RCRA Code	RMP TQ Sec. 112r
Pyridine, 2-methyl-5-vinyl-	140-76-1	500	500				
Pyridine, 4-nitro- 1-oxide	1124-33-0	500/10,000	500				
Pyriminil	53558-25-1	100/10,000	100				
Salcomine	14167-18-1	500/10,000	500				
Sarin	107-44-8	10	10				
Selenious acid	7783-00-8	1,000/10,000	10	10	Y	U204	
Selenium oxychloride	7791-23-3	500	500		Y		
Semicarbazide hydrochloride	563-41-7	1,000/10,000	1,000				
Silane, (4-aminobutyl)diethoxymethyl-	3037-72-7	1,000	1,000				
Silane, chlorotrimethyl-	75-77-4	1,000	1,000				10,000
Silane, dichlorodimethyl-	75-78-5	500	500				5,000
Silane, trichloromethyl-	75-79-6	500	500				5,000
Sodium arsenate	7631-89-2	1,000/10,000	1	1	Y		
Sodium arsenite	7784-46-5	500/10,000	1	1	Y		
Sodium azide (Na(N ₃))	26628-22-8	500	1,000	1,000	Y	P105	
Sodium cacodylate	124-65-2	100/10,000	100				
Sodium cyanide (Na(CN))	143-33-9	100	10	10	Y	P106	
Sodium fluoroacetate	62-74-8	10/10,000	10	10	Y	P058	
Sodium selenate	13410-01-0	100/10,000	100		Y		
Sodium selenite	10102-18-8	100/10,000	100	100	Y		
Sodium tellurite	10102-20-2	500/10,000	500				
Stannane, acetoxyltriphenyl-	900-95-8	500/10,000	500				
Strychnine	57-24-9	100/10,000	10	10	Y	P108	
Strychnine, sulfate	60-41-3	100/10,000	10	10	Y		
Sulfotep	3689-24-5	500	100	100		P109	
Sulfoxide, 3-chloropropyl octyl	3569-57-1	500	500				
Sulfur dioxide	7446-09-5	500	500				
Sulfur dioxide (anhydrous)	7446-09-5	500	500				5,000
Sulfur fluoride (SF ₄) (T-4)-	7783-60-0	100	100				2,500
Sulfuric acid	7664-93-9	1,000	1,000	1,000			
Sulfuric acid (aerosol forms only)	7664-93-9	1,000	1,000	1,000	Y		
Sulfur tetrafluoride	7783-60-0	100	100				2,500
Sulfur trioxide	7446-11-9	100	100				10,000
Tabun	77-81-6	10	10				
Tellurium hexafluoride	7783-80-4	100	100				
TEPP	107-49-3	100	10	10		P111	
Terbufos	13071-79-9	100	100				
Tetraethyldithiopyrophosphate	3689-24-5	500	100	100		P109	
Tetraethyl lead	78-00-2	100	10	10	Y	P110	
Tetraethyl pyrophosphate	107-49-3	100	10	10		P111	
Tetraethyltin	597-64-8	100	100				
Tetramethyllead	75-74-1	100	100		Y		10,000
Tetranitromethane	509-14-8	500	10	10		P112	10,000
Thallium(I) carbonate	6533-73-9	100/10,000	100	100	Y	U215	
Thallium chloride TlCl	7791-12-0	100/10,000	100	100	Y	U216	
Thallium sulfate	10031-59-1	100/10,000	100	100	Y		
Thallium(I) sulfate	7446-18-6	100/10,000	100	100	Y	P115	
Thallos carbonate	6533-73-9	100/10,000	100	100	Y	U215	
Thallos chloride	7791-12-0	100/10,000	100	100	Y	U216	
Thallos malonate	2757-18-8	100/10,000	100				
Thallos sulfate	7446-18-6	100/10,000	100	100	Y	P115	
Thiocarbazine	2231-57-4	1,000/10,000	1,000				
Thiocyanic acid, methyl ester	556-64-9	10,000	10,000				20,000
Thiofanox	39196-18-4	100/10,000	100	100		P045	
Thiomethanol	74-93-1	500	100	100	Y	U153	10,000
Thionazin	297-97-2	500	100	100		P040	
Thiophenol	108-98-5	500	100	100		P014	

Name	Cas Number	EPCRA TPQ Sec. 302	EPCRA RQ Sec. 304	CERCLA RQ Sec. 103	TRI Sec. 313	RCRA Code	RMP TQ Sec. 112r
Thiosemicarbazide	79-19-6	100/10,000	100	100	Y	P116	
Thiourea, (2-chlorophenyl)-	5344-82-1	100/10,000	100	100		P026	
Thiourea, (2-methylphenyl)-	614-78-8	500/10,000	500				
Thiourea, 1-naphthalenyl-	86-88-4	500/10,000	100	100		P072	
Titanium chloride (TiCl ₄) (T-4)-	7550-45-0	100	1,000	1,000	Y		2,500
Titanium tetrachloride	7550-45-0	100	1,000	1,000	Y		2,500
Toluene-2,4-diisocyanate	584-84-9	500	100	100	Y		10,000
Toluene-2,6-diisocyanate	91-08-7	100	100	100	Y		10,000
Toxaphene	8001-35-2	500/10,000	1	1	Y	P123	
Triamphos	1031-47-6	500/10,000	500				
Triazofos	24017-47-8	500	500				
Trichloroacetyl chloride	76-02-8	500	500		Y		
Trichloro(chloromethyl)silane	1558-25-4	100	100				
Trichloro(dichlorophenyl)silane	27137-85-5	500	500				
Trichloroethylsilane	115-21-9	500	500				
Trichloromethanesulfonyl chloride	594-42-3	500	100	100	Y		10,000
Trichloronate	327-98-0	500	500				
Trichlorophenylsilane	98-13-5	500	500				
Triethoxysilane	998-30-1	500	500				
Trimethylchlorosilane	75-77-4	1,000	1,000				10,000
Trimethylolpropane phosphite	824-11-3	100/10,000	100				
Trimethyltin chloride	1066-45-1	500/10,000	500				
Triphenyltin chloride	639-58-7	500/10,000	500		Y		
Tris(2-chloroethyl)amine	555-77-1	100	100				
Valinomycin	2001-95-8	1,000/10,000	1,000				
Vanadium pentoxide	1314-62-1	100/10,000	1,000	1,000	Y	P120	
Vinyl acetate	108-05-4	1,000	5,000	5,000	Y		15,000
Vinyl acetate monomer	108-05-4	1,000	5,000	5,000	Y		15,000
Warfarin	81-81-2	500/10,000	100	100	Y	P001	
Warfarin sodium	129-06-6	100/10,000	100	100	Y		
Xylylene dichloride	28347-13-9	100/10,000	100				
Zinc, dichloro(4,4-dimethyl-5((((methylamino)carbonyloxy)imino)pentanenitrile)- (T-4)-	58270-08-9	100/10,000	100		Y		
Zinc phosphide	1314-84-7	500	100	100	Y	P122	
Zinc phosphide (conc. <= 10%)	1314-84-7	500	100	100	Y	U249	
Zinc phosphide (conc. > 10%)	1314-84-7	500	100	100	Y	P122	

Note: For chemicals that are solids, there may be two TPQs given (e.g.,500/10,000). In these cases, the lower quantity applies to solids in powder form with particle size less than 100 microns, or if the substance is in solution or in molten form. Otherwise, the 10,000 pound TPQ applies.

Tier Two Emergency And Hazardous Chemical Inventory	Facility Identification Name _____ Street _____ City _____ County _____ State _____ Zip _____ SIC Code !!!! Dun & Brad Number !!-!!!-!!!!		Owner/Operator Name Name _____ Phone (____) _____ Mail Address _____		
	FOR OFFICIAL USE ONLY ID#: _____ Fee Received \$ _____ Date received: _____ Check Number _____		Emergency Contact Name _____ Title _____ Phone (____) _____ 24 Hr. Phone (____) _____ Name _____ Title _____ Phone (____) _____ 24 Hr. Phone (____) _____		
Important: Read all instructions before completing form		Report Period: From January 1 to December 31, 19____		! check if information below is identical to the information submitted last year	
CHEMICAL DESCRIPTION		Physical and Health Hazards (Check all that apply)	Inventory	Container type Pressure Temperature	Storage Codes and Locations (Confidential) Storage Locations
CAS !!!!!-!!-! Trade ! Chem. Name _____ Check all that apply: ! Pure ! Mix ! Solid ! Liquid ! Gas ! EHS EHS Name _____		! Fire ! Sudden release of pressure ! Reactivity ! Immediate (acute) ! Delayed (chronic)	!! Max. Daily Amounts (code) !! Avg. Daily Amount (code) !!! No. of Days On Site (days) For code 05: Enter actual weight in pounds: _____	! ! ! _____ ! ! ! _____ ! ! ! _____ ! ! ! _____ ! ! ! _____ ! ! ! _____ ! ! ! _____	<input type="checkbox"/>
CAS !!!!!-!!-! Trade ! Chem. Name _____ Check all that apply: ! Pure ! Mix ! Solid ! Liquid ! Gas ! EHS EHS Name _____		! Fire ! Sudden release of pressure ! Reactivity ! Immediate (acute) ! Delayed (chronic)	!! Max. Daily Amounts (code) !! Avg. Daily Amount (code) !!! No. of Days On Site (days) For code 05: Enter actual weight in pounds: _____	! ! ! _____ ! ! ! _____ ! ! ! _____ ! ! ! _____ ! ! ! _____ ! ! ! _____ ! ! ! _____	<input type="checkbox"/>
CAS !!!!!-!!-! Trade ! Chem. Name _____ Check all that apply: ! Pure ! Mix ! Solid ! Liquid ! Gas ! EHS EHS Name _____		! Fire ! Sudden release of pressure ! Reactivity ! Immediate (acute) ! Delayed (chronic)	!! Max. Daily Amounts (code) !! Avg. Daily Amount (code) !!! No. of Days On Site (days) For code 05: Enter actual weight in pounds: _____	! ! ! _____ ! ! ! _____ ! ! ! _____ ! ! ! _____ ! ! ! _____ ! ! ! _____ ! ! ! _____	<input type="checkbox"/>

<p>Certification (Read and sign after completing all sections)</p> <p>I certify under penalty of law that I have personally examined and am familiar with the information submitted in pages one through ____, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.</p> <p>_____ Name and official title of owner/operator OR owner/operator's authorized representative</p> <p>_____ Signature and Date Signed</p>	<p>Optional Attachments</p> <p>! I have attached a site plan.</p> <p>! I have attached a list of site coordinate abbreviations.</p> <p>! I have attached a description of dikes and other safeguare measures.</p>	<p>Check appropriate box:</p> <p>! \$250 fee attached</p> <p>! \$40 fee attached</p> <p>! No fee required</p>
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KENTUCKY EMERGENCY RESPONSE COMMISSION
TIER TWO INSTRUCTIONS
GENERAL INFORMATION

Submission of this Tier Two form is required by the Kentucky Emergency Response Commission in accordance with Title III of the Superfund Amendments and Reauthorization Act of 1986, Section 312 and KRS 39.990 and subsequent administrative regulations. The purpose of this Tier Two form is to provide state and local officials and the public with specific information on hazardous chemicals present at your facility during the past year.

CERTIFICATION

The owner or operator or officially designated representative of the owner or operator must certify that all information included in the Tier Two submission is true, accurate, and complete. On the first page of the Tier Two report, enter your full name and official title. Sign your name and enter the current date. Also, enter the total number of pages included in the Confidential and Nonconfidential information Sheets as well as all attachments. An original signature is required on at least the first page of the submission. Submissions to the SERC, LEPC, and fire department must each contain an original signature on at least the first page. Subsequent pages must contain either an original signature, a photocopy of the original signature, or a signature stamp. Each page must contain the date on which the original signature was affixed to the first page of the submission and the total number of pages in the submission.

YOU MUST PROVIDE ALL INFORMATION REQUESTED ON THIS FORM TO FULFILL ANNUAL CHEMICAL INVENTORY REQUIREMENTS.

THE KENTUCKY EMERGENCY RESPONSE COMMISSION REQUIRES SUBMISSION OF THE TIER TWO FORM.

WHO MUST SUBMIT THIS FORM

This request applies to the owner or operator of any facility that is required, under administrative regulations implementing the Occupational Safety and Health Act of 1970, to prepare or have available a Material Safety Data Sheet (MSDS) for a hazardous chemical present at the facility. MSDS requirements are specified in the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard, found in Title 29 of the Code of Federal Regulations at 1910.1200.

WHAT CHEMICALS ARE INCLUDED

You must report the required information on this Tier Two form for each hazardous chemical present at your facility in quantities equal to or greater than established threshold amounts (discussed below), unless the chemicals are excluded under Section 311(e) of Title III. Hazardous chemicals are any substance for which your facility must maintain an MSDS under OSHA's Hazard Communication Standard.

WHAT CHEMICALS ARE EXCLUDED

Section 311(e) of Title III excludes the following substances:

- (I) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration:
- (II) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use:
- (III) Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public:
- (IV) Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual:
- (V) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

OSHA regulations, Section 1910.1200(b), stipulate exemptions from the requirement to prepare or have available an MSDS.

REPORTING THRESHOLDS

Minimum thresholds have been established for Tier Two reporting under Title III, Section 312. These thresholds are as follows:

For Extremely Hazardous Substances (EHSs) designated under section 302 of Title III, the reporting threshold is 500 pounds (or 227 kg.) or the threshold planning quantity (TPQ), whichever is lower:

For all other hazardous chemicals for which facilities are required to have or prepare an MSDS, the minimum reporting threshold is 10,000 pounds (or 4,540 kg.).

You need to report hazardous chemicals that were present at your facility at any time during the previous calendar year at levels that equal or exceed these thresholds. For instructions on threshold determinations for components of mixtures, see "What About Mixtures?" on page 2 of these instructions.

Please read these instructions carefully. Print or type all responses.

WHEN TO SUBMIT THIS FORM

Owners or operators of facilities that have hazardous chemicals on hand in quantities equal to or greater than set threshold levels must submit a Tier Two form by March 1.

WHERE TO SUBMIT FEE

(See Fee Schedule on page 4)

Checks shall be made payable to: "Kentucky State Treasurer" and shall be marked "For KyERC Fee Account". Fees and form shall be mailed to:

Chairman, Kentucky Emergency Response Commission
EOC Building, Boone National Guard Center
Frankfort, KY 40601-6168

WHERE TO SUBMIT THIS FORM

Send a completed Tier Two form(s) to each of the following organizations:

1. Your State Emergency Response Commission.
2. Your Local Emergency Planning Committee.
3. The fire department with jurisdiction over your facility.

PENALTIES

Any owner or operator who violates any Tier Two reporting requirements shall be subject to penalties as set forth in P.L. 99-499, Title III, Section 325 and KRS Chapter 39.990 and subsequent administrative regulations.

If your Tier Two responses require more than one page use additional forms and fill in the page number at the bottom of the form.

REPORTING PERIOD

Enter the appropriate calendar year, beginning January 1 and ending December 31.

FACILITY IDENTIFICATION

Enter the full name of your facility (and company identifier where appropriate).

Enter the full street address or state road. If a street address is not available, enter other appropriate identifiers that describe the physical location of your facility (e.g. longitude and latitude). Include city, county, state, and zip code.

Enter the primary Standard Industrial Classification (SIC) code and the Dun & Bradstreet number for your facility. The financial officer of your facility should be able to provide the Dun & Bradstreet number. If your firm does not have this information, contact the State or regional office of Dun & Bradstreet to obtain your facility number or have one assigned.

OWNER/OPERATOR

Enter the owner's or operator's full name, mailing address, and phone number.

EMERGENCY CONTACT

Enter the name, title, and work phone number of at least one local person or office who can act as a referral if emergency responders need assistance in responding to a chemical accident at the facility.

Provide an emergency phone number where such emergency information will be available 24 hours a day, every day. This requirement is mandatory. The facility must make some arrangement to ensure that a 24 hour contact is available.

IDENTICAL INFORMATION

Check the box indicating identical information, located below the emergency contacts on the Tier Two form, if the current chemical information being reported is identical to that submitted last year. Chemical descriptions, hazards, amounts, and locations must be provided in this year's form, even if the information is identical to that submitted last year.

CHEMICAL INFORMATION: Description, Hazards, Amounts, and Locations

The main section of the Tier Two form requires specific information on amounts and locations of hazardous chemicals, as defined in the OSHA Hazard Communication Standard.

If you choose to indicate that all of the information on a specific hazardous chemical is identical to that submitted last year, check the appropriate optional box provided at the right side of the storage codes and locations on the Tier Two form. Chemicals descriptions, hazards, amounts, and locations must be provided even if the information is identical to that submitted last year.

- What units should I use?

Calculate all amounts as weight in pounds. To convert gas or liquid volume to weight in pounds, multiply by an appropriate density factor.

- What about mixtures?

If a chemical is part of a mixture, you have the option of reporting either the weight of the entire mixture of only the portion of the mixture that is a particular hazardous chemical (e.g.. if a hazardous of only 5% of a particular hazardous chemical, you can indicate either 100 lbs. of the mixture or 5 lbs. of the chemical).

The option used for each mixture must be consistent with the option used in your Section 311 reporting.

Because EHSs are important to Section 303 planning, EHSs have lower thresholds. The amount of an EHS at a facility (both pure EHS substances and EHSs in mixtures) must be aggregated for purposes of threshold determination. It is suggested that the aggregation calculation be done as a first step in making the threshold determination. Once you determine whether a threshold for an EHS has been reached, you should report either the total weight of the EHS at your facility, or the weight of each mixture containing the EHS.

CHEMICAL DESCRIPTION

1. Enter the Chemical Abstract Service registry number (CAS). For mixtures, enter the CAS number of the mixtures as a whole if it has been assigned a number distinct from its constituents. For a mixture that has no CAS number, leave this item blank or report the CAS number of as many constituent as possible.

If you are withholding the name of a chemical in accordance with criteria specified in Title III, Section 322, enter the generic class or category that is structurally descriptive of the chemical (e.g., list toluene diisocyanate as organic (sooyante) and check the box marked Trade Secret. Trade secret information should be submitted to EPA and must include a substantiation. Please refer to EPA's final regulation on trade secrecy (53 FR 28772, July 29, 1988) for detailed information on how to submit trade secrecy claims.

2. Enter the chemical name or common name of each hazardous chemical.

3. Check box for ALL applicable descriptors: pure or mixture; and solid, liquid, or gas; and whether the chemical is or contains an EHS.

4. If the chemical is a mixture containing EHS, enter the chemical name of each EHS in the mixture.

EXAMPLE:

You have pure chlorine gas on hand, as well as two mixtures that contain liquid chlorine. You write "chlorine" and enter the CAS number. Then you check "pure" and "mix" - as well as "liquid" and "gas".

PHYSICAL AND HEALTH HAZARDS

For each chemical you have listed, check all the physical and health hazard boxes that apply. These hazard categories are defined in 40 CFR 370.2. The two health hazard categories and three physical hazard categories are a consolidation of the 23 hazard categories defined in the OSHA Hazard Communication Standard, 29 CFR 1910.1200.

Hazard Category Comparison For Reporting Under Section 311 and 312		
EPA's Hazard Categories		OSHA's Hazard Categories
Fire Hazard		Flammable
		Combustion Liquid
		Pyrophoric
		Oxidizer
Sudden Release of Pressure		Explosive
		Compressed Gas
Reactive		Unstable Reactive
		Organic Peroxide
		Water Reactive
Immediate (Acute) Health Hazards		Highly Toxic
		Toxic
		Irritant
		Sensitizer
		Corrosive
		Other hazardous chemicals with an adverse effect with short term exposure
Delayed (Chronic) Health Hazard		Carcinogens
		Other hazardous chemicals with an adverse effect with long term exposure

MAXIMUM AMOUNT

1. For each hazardous chemical, estimate the greatest amount present at your facility on any single day during the reporting period.

2. Find the appropriate range value code in Table I.

3. Enter this range value as the Maximum Amount.

4. If range value 05 (100,000 to 999,999) is used for the maximum daily amount, enter the actual weight in pounds in the Inventory column directly below the code number. This is necessary to determine the appropriate fee category.

TABLE I REPORTING RANGE		
Range	Weight Range in Pounds	
Value	From...	To...
01	0	99
02	100	999
03	1,000	9,999
04	10,000	99,999
05	100,000	999,999
06	1,000,000	9,999,999
07	10,000,000	49,999,999
08	50,000,000	99,999,999
09	100,000,000	499,999,999
10	500,000,000	999,999,999
11	1 billion	higher than 1 billion

EXAMPLE:

You received one large shipment of solvent mixture last year. The shipment filled five 5,000-gallon storage tanks. You know that the solvent contains 10% benzene, which is a hazardous chemical.

You figure that 10% of 25,000 gallons is 2,500 gallons. You also know that the density of benzene is 7.29 pounds per gallon, so you multiply 2,500 gallons by 7.29 pounds per gallon to get a weight of 18,225 pounds.

Then you look at Table I and find that the range value 04 corresponds to 18,225. You enter 04 as the Maximum Amount.

AVERAGE DAILY AMOUNT

1. For each hazardous chemical, estimate the average weight in pounds that was present at your facility during the year.

To do this, total all daily weights and divide by the number of days the chemical was present on the site.

2. Find the appropriate range value in Table I.

3. Enter this range value as the Average Daily Amount.

EXAMPLE:

The 25,000-gallon shipment of solvent you received last year was gradually used up and completely gone in 315 days. The sum of the daily volume levels in the tank is 4,536,000 gallons. By dividing 4,536,000 gallons by 315 days on site, you calculate an average daily amount of 14,400 gallons.

You already know that the solvent contains 10% benzene, which is a hazardous chemical. Since 10% of 14,400 is 1,440, you figure that you had an average of 1,440 gallons of benzene. You also know that the density of benzene is 7.29 pounds per gallon, so you multiply 1,440 by 7.29 to get a weight of 10,500 pounds.

Then you look at Table I and find that the range value 04 corresponds to 10,500. You enter 04 as the Average Daily Amount.

(If you are using the form as a worksheet for completing a Tier One form, you should write 10,500 in the shaded area.)

NUMBER OF DAYS ON SITE

Enter the number of days that the hazardous chemical was found on site.

EXAMPLE:

The solvent composed of 10% benzene was present for 315 days at your facility. Enter 315 in the space provided.

STORAGE CODES AND STORAGE LOCATIONS

List all nonconfidential chemical locations in this column, along with storage types/conditions associated with each location. Please note that a particular chemical may be located in several places around the facility. Each row of boxes followed by a line represents a unique location for the same chemical.

Storage Codes: Indicate the types and conditions of storage present.

a. Look at Table II. For each location, find the appropriate storage type and enter the corresponding code in the first box.

b. Look at Table III. For each location, find the appropriate storage types for pressure and temperature conditions. Enter the applicable pressure code in the second box. Enter the applicable temperature code in the third box.

TABLE II - STORAGE TYPES	
CODES	TYPES OF STORAGE
A	Above ground tank
B	Below ground tank
C	Tank inside building
D	Steel drum
E	Plastic or nonmetallic drum
F	Can
G	Carboy
H	Silo
I	Fiber drum
J	Bag
K	Box
L	Cylinder
M	Glass bottles or jugs
N	Plastic bottles or jugs
O	Tote bin
P	Tank wagon
Q	Rail car
R	Other

TABLE III - TEMPERATURE AND PRESSURE CONDITIONS	
CODES	STORAGE CONDITIONS (PRESSURE)
1	Ambient pressure
2	Greater than ambient pressure
3	Less than ambient pressure
	(TEMPERATURE)
4	Ambient temperature
5	Greater than ambient temperature
6	Less than ambient temperature but not cryogenic
7	Cryogenic conditions

EXAMPLE:

The benzene in the main building is kept in a tank inside the building, at ambient pressure and less than ambient temperature.

Table II shows you that the code for a tank inside a building is C. Table III shows you that the code for ambient pressure is 1, and the code for less than ambient temperature is 6.

You enter: C 1 6

Storage Locations

Provide a brief description of the precise location of the chemical, so that emergency responders can locate the area easily. You may find it advantageous to provide the optional site plan or site coordinates as explained below.

For each chemical, indicate at a minimum the building or lot. Additionally, where practical, the room or area may be indicated. You may respond in narrative form with appropriate site coordinates or abbreviations.

If the chemical is present in more than one building, lot, or area location, continue your responses down the page as needed. If the chemical exists everywhere at the plant site simultaneously, you may report that the chemical is ubiquitous at the site.

Optional Attachments: If you choose to attach one of the following, check the appropriate Attachments box at the bottom of the Tier Two form.

- a. A site plan with site coordinates indicated for building, lots, areas, etc. throughout your facility.
- b. A list of site coordinate abbreviations that correspond to building, lots, areas, etc. throughout your facility.
- c. A description of dikes and other safeguard measures for storage locations throughout your facility.

EXAMPLE:

You have benzene in the main room of the main building, and in tank 2 in tank field 10. You attach a site plan with coordinates as follows: main building = G-2, tank field 10 = B-6. fill in the Storage Location as follows:

B-6 (Tank 2) G-2 (Main Room)

CONFIDENTIAL INFORMATION

Under Title III, Section 324, you may elect to withhold location information on a specific chemical from disclosure to the public, if you choose to do so.

- Enter the word "confidential" in the Nonconfidential Location section of the Tier Two form on the first line of the storage locations.
- On a separate Tier Two Confidential Location Information Sheet, enter the name and CAS number of each chemical for which you are keeping the location confidential.
- Enter the appropriate location and storage information, as described above for nonconfidential locations.
- Attach the Tier Two Confidential Location information Sheet to the Tier Two form. This separates confidential locations from other information that will be disclosed to the public.

CERTIFICATION

Instructions for this section are included on page one of these instructions.

FEE SCHEDULE

Check appropriate box on the form.

\$0	Category One Facility is owned or operated by local, state or federal government.
\$40	Category Two Facility has no less than 10,000 pounds and no more than 499,999 pounds of each of ten (10) or fewer hazardous substances. The combined total of all hazardous substances shall not exceed 499,999 pounds.
\$250	Category Three Facility has 10,000 pounds or more of each 11 or more hazardous substances. The combined total of all hazardous substance shall not exceed 499,999 pounds.
\$250	Category Four Facility has a total of over 499,999 pounds of hazardous substances.
\$250	Category Five Facility has an extremely hazardous substance in excess of the threshold planning quantity.

TAB Q-7-____ COVERED FACILITIES

FACILITY	FAC EMERG RESP COORD	COMMUNICATIONS
St. _____	_____	Office# _____
City _____	Title _____	Home# _____
		R. Freq _____
		Pager \$ _____

ALTERNATE FAC EMERG RESP COORD

_____	Office# _____
Title _____	Home# _____
	R.Freq _____

HAZARDOUS CHEMICAL(S)

NAME	UN ID#	FORM	PACKAGED	MAXIMUM	HEALTH
	CAS #		CONTAINER	QUANTITY	RISK

SKETCH OF FACILITY AND STORAGE AREAS:

FACILITY RESPONSE POINT (RP) AND DIRECTIONS:

STAGING AREA (Support units will report and await assignment by local organization):

TRANSPORTATION ROUTES AND MODES OF TRANSPORTATION (include supplier and telephone number - describe how chemicals are handled - list hazardous points along the routes):

SPECIAL FACILITIES LIKELY TO BE AFFECTED BY A RELEASE (List affected facilities and day/night contacts):

PROTECTIVE ACTIONS (In-place sheltering of evacuation - give brief description of area(s) where protection actions may be required - add evacuation procedures to Annex EE):

EMERGENCY EQUIPMENT ON HAND/TRAINING/EXERCISING:

SPILL CONTAINMENT/CLEAN-UP/DISPOSAL:

EMERGENCY NOTIFICATION

Local 24 hr. warning number (LEPC): ____-____-____
Haz-mat Coord. (Day) ____-____-____ (Night) ____-____-____
Alt. Coord. (Day) ____-____-____ (Night) ____-____-____
____ Fire Dept. ____-____-____
____ Police Dept. ____-____-____
DES Coord.:
(Day) ____-____-____ or ____-____-____
(Night) ____-____-____ or ____-____-____
____ Rescue ____-____-____ or ____-____-____
____ Ambulance ____-____-____ or ____-____-____

Kentucky Emergency Response Commission (KERC) 502- 564-7815

Kentucky DES Area Coordinator:

(O) ____-____-____
(H) ____-____-____

Nat. Resources & Envir. Prot. Cabinet (NR&EPC): 502-564-2380

National Response Center (NRC): 1-800-424-8802

Envir. Prot. Agency (EPA) Hotline: 1-800-535-0202

Hours: 8:30 a.m. - 7:30 p.m., Mon-Fri. including federal holidays

Chemtrec: 1-800-424-9300

(18 Ky.R. 1697; Am. 2310; eff. 1-27-92.)

106 KAR 1:091. Kentucky Emergency Response Commission fee account grant requirements for local emergency planning committees.

RELATES TO: KRS 39.800-39.990, 42 U.S.C. 11001-11050

STATUTORY AUTHORITY: KRS 39.817, 39.845, 39.850

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation establishes criteria and procedures to be met by local emergency planning committees requesting funds generated by KRS 39.817.

Section 1. Definitions. "Tab Q-7 or commission approved equivalent plan" means a plan describing the location and characteristics of extremely hazardous substances which includes the nine (9) required planning elements of PL 99-499, Section 303 and KRS 39.840 and the Kentucky Emergency Response Commission's planning requirements consisting of:

- (1) A legible sketch of the facility which shows a directional arrow, the location of extremely hazardous substances, and the access road;
- (2) The location of the response point and instructions for responsibilities of the facility emergency response coordinator;
- (3) Designation of the staging area and alternative staging area(s);
- (4) A listing of major suppliers of extremely hazardous substances and their telephone numbers;
- (5) A division of the vulnerable zone into four (4) quadrants, listing the special facilities within each quadrant and the total populations of each quadrant.

Section 2. To be eligible for financial assistance, local emergency planning committees which have extremely hazardous substances as listed in 106 KAR 1:081, Section 6, in excess of the threshold planning

quantity present in their community shall meet all the following criteria during the preceding calendar year (January 1 through December 31):

- (1) The local emergency planning committee shall meet all requirements set forth in KRS 39.840.
- (2) The local emergency planning committee shall have an emergency response plan pursuant to KRS 39.840(1)(a), (e), (f) and 39.860 that has been approved by the Kentucky Emergency Response Commission.
 - (a) The local emergency planning committee's emergency response plan shall contain an approved Tab Q-7 or commission-approved equivalent listed in Section 6 of 106 KAR 1:081 for each facility in the planning district that has an extremely hazardous substance listed in Section 6 of 106 KAR 1:081 in excess of the threshold planning quantity.
 - (b) The local emergency planning committee shall submit new Tab Q-7 or commission-approved equivalent plans to the state disaster and emergency services area coordinator within sixty (60) days of notification that the facility has an extremely hazardous substance in excess of the threshold planning quantity.
 - (c) After new Tab Q-7 or commission-approved equivalent plans are submitted, no later than April 1 each year, the local emergency planning committee shall review the Tab Q-7 plans and send certification to the state disaster and emergency services area coordinator stating that there were no changes and therefore the plan is correct as is; or the plan has been revised and the revisions are included with the certification.
 - (d) The state disaster and emergency services area coordinator shall review new Tab Q-7 or commission-approved equivalent plans for completeness, note any recommendations and forward them to the Chairman of the Kentucky Emergency Response Commission, or designee, within thirty (30) days of receipt from the local emergency planning committee.
 - (e) The state disaster and emergency services area coordinator shall review Tab Q-7 or commission-approved equivalent revisions and certifications received from the local emergency planning committee for completeness, note any recommendations and forward them to the Chairman of the Kentucky Emergency Response Commission, or designee, no later than May 1 each year.
- (3) The local emergency planning committee shall meet at least twice during each calendar year (January 1 through December 31) to conduct its business and a quorum shall be required.
- (4) No later than December 1 each year, the local emergency planning committee shall submit an updated membership list to the Kentucky Emergency Response Commission.
- (5) In accordance with KRS Chapter 424 (Legal Notice), the local emergency planning committee shall publish during each calendar year (January 1 through December 31) public information on committee activities entitled "Public (Legal) Notice Advertisement" on form DES/SARA-324 as set out in Section 7 of this administrative regulation.

Section 3. To be eligible for financial assistance, local emergency planning committees which do not have any extremely hazardous substances as listed in 106 KAR 1:081, Section 6, in excess of the threshold planning quantity present in their community shall meet the following criteria during the preceding calendar year (January 1 through December 31):

- (1) The local emergency planning committee shall meet criteria set forth in KRS 39.840 (1)(b), (c), (d), (2), (4), (5) and Section 1(4) and (5) of this administrative regulation.
- (2) The local emergency planning committee shall meet at least once during each calendar year (January 1 through December 31) to conduct its business and a quorum shall be required.

Section 4. Local Emergency Planning Committee Procedures. (1) If a local emergency planning committee requests financial assistance, it shall use Grant Request Form DES/SARA-303 as set out in Section 7 of this administrative regulation and shall include a detailed budget identifying how the requested funds are to be spent.

- (2) The grant request form shall be submitted to the state disaster and emergency services area coordinator no earlier than January 1 and no later than May 1.
- (3) The state disaster and emergency services area coordinator shall review the grant request form for completeness and conformance to statutes and administrative regulations, note any recommendations and forward it to the Chairman of the Kentucky Emergency Response Commission or designee, no later than June 1.
- (4) The Chairman of the Kentucky Emergency Response Commission, or designee, shall review the grant request form for completeness and conformance to statutes and administrative regulations, note any recommendations and forward it to the Grant Review Committee no later than July 1.
- (5) The Grant Review Committee, with a quorum present, shall review all grant requests and forward their recommendations no later than August 15 to the Kentucky Emergency Response Commission for final approval.

(6) The Kentucky Emergency Response Commission shall make the grant awards no later than September 15.

(7) The state disaster and emergency services area coordinator, the Chairman of the Kentucky Emergency Response Commission, or designee, or the Grant Review Committee may request additional information which shall be provided by the local emergency planning committee. Failure to provide the requested information shall invalidate the local emergency planning committee's request for funding.

Section 5. Requests for Modifications. (1) A modification of a grant award is required if there is a change in the grant request or if a local emergency planning committee is unable to expend the funds for the purpose for which the grant was awarded. A request for modification shall be submitted by the LEPC for approval by the commission. Unexpended monies shall be returned to the Kentucky Emergency Response Commission fee account fund.

(2) Requests for modifications of grant awards shall be submitted on Grant Request Form DES/SARA-303 as set out in Section 7 of this administrative regulation and, except for due dates, shall be processed in accordance with Sections 3 and 6 of this administrative regulation.

(3) Modifications may be submitted throughout the grant period.

Section 6. Supplemental Grant Awards. (1) In the event supplemental money is available, the Kentucky Emergency Response Commission shall determine the date of the supplemental allocation award and inform the local emergency planning committees of that date.

(2) Requests for supplemental money shall be submitted on Grant Request Form DES/SARA-303 as set out in Section 7 of this administrative regulation and, except for due dates, shall be processed in accordance with this section and Sections 3 and 6 of this administrative regulation.

(3) If a local emergency planning committee requests supplemental money the schedule of due dates is:

(a) Thirty (30) days from notification by the Kentucky Emergency Response Commission of the availability of supplemental money, the local emergency planning committee shall submit the supplemental grant request to the state disaster and emergency services area coordinator.

(b) Thirty (30) days from receipt of the supplemental grant request, the state disaster and emergency services area coordinator shall review the supplemental grant request in accordance with Sections 3 and 6 of this administrative regulation and forward it to the Chairman of the Kentucky Emergency Response Commission, or designee.

(c) Thirty (30) days from receipt of the supplemental grant request, the Chairman of the Kentucky Emergency Response Commission, or designee, shall review the supplemental grant request in accordance with Sections 3 and 6 of this administrative regulation and forward it to the Grant Review Committee.

(d) Forty-five (45) days from receipt of the supplemental grant request, the Grant Review Committee, with a quorum present, shall review the supplemental grant request in accordance with Sections 3 and 6 of this administrative regulation and forward their recommendations to the Kentucky Emergency Response Commission.

(e) Thirty (30) days from receipt of the recommendation of the Grant Review Committee, the Kentucky Emergency Response Commission shall make the supplemental grant award.

Section 7. Requirements for Funding Accountability. (1) Funds provided by the Kentucky Emergency Response Commission shall be deposited in a separate "(Name of County) Emergency Planning Committee Fee Account" and fiscal accountability shall be prescribed by the state auditor of public accounts. All funds shall be subject to audit by the Kentucky Emergency Response Commission and the state auditor of public accounts.

(2) The bylaws of each local emergency planning committee shall identify the position or person who will be responsible for accountability for the funds and who will be listed as the authorized applicant as shown on DES/Sara-303 and shall be submitted simultaneously with the grant request.

(3) The local emergency planning committee shall provide documentation of expenditures for the preceding year on each grant request submitted except for the initial grant request.

(4) Grant awards approved by the Kentucky Emergency Response Commission may be withheld for noncompliance with KRS 39.800 to 39.990 and administrative regulations issued thereunder and for failure to provide required documentation.

(5) All funding allocation decisions shall be made by the Kentucky Emergency Response Commission and shall be dependent upon availability of fees collected.

Section 8. Form DES/SARA-324 and grant request form DES/SARA-303 are set out in this section.

PUBLIC (LEGAL) NOTICE ADVERTISEMENT

_____ COUNTY EMERGENCY PLANNING COMMITTEE

Pursuant to Section 324, Title III of the 1986 Federal Superfund Amendments and Reauthorization Act (SARA) of 1986 (PL 99-499), the following information is provided in compliance with the Community Right-to-Know requirements of the SARA Law, and the open meetings and open records provisions of Kentucky Revised Statutes. Members of the public may contact the (name of county) County Emergency Planning Committee by writing (name of chairman), Chairman of the (name of county) County Emergency Planning Committee, (working address of chairman or committee), (city), Kentucky (zip code), or contacted by telephone at (area code), (telephone number established by the committee). The (name of county) County Emergency Planning Committee conducts meetings at (name of building), (local address), or at other locations, in accordance with the Kentucky Open Meetings Law. Members of the public may request to be notified of regular or special meetings as provided in KRS 61.820 and KRS 61.825. Records of the Planning Committee, including the county emergency response plan, material safety data sheets, and inventory forms, or any follow-up emergency notices as may subsequently be issued, are open for inspection, and members of the public who wish to review these records may do so (normal hours of business), (Eastern or Central Time), (days of the week), at (location of the office or place where custodian keeps the committee files), as required by the Kentucky Open Records Law. The local 24-hour telephone number for purposes of emergency notification, as required by SARA, is (emergency number adopted by county planning committee).

KENTUCKY EMERGENCY RESPONSE COMMISSION
FEE ACCOUNT FUND

Grant Application for Grant Period 09/01/9__ to 08/31/9__

DUE DATES

LEPCs to ACs 05/01

Received by AC:

Received by State:

ACs to State 06/01

Received by AC:

Received by State:

Final Award 09/15

Initial & Date

Initial & Date

AUTHORIZED APPLICANT (INFORMATION)

Emergency Planning Committee

County Name:

County Code-3 digit no.:

Enter total number of Tab Q-7's with Extremely Hazardous Substances in your county. This is the total number of facilities with extremely hazardous substances in your county: _____

DATE:

GRANT INFORMATION

Grant Amount Requested \$

Circle Type of Application:

LEPC:

New

Revised

State Agency:

New

Revised

GRANT RECIPIENT

Checks shall be made payable to and mailed to the AUTHORIZED APPLICANT. The AUTHORIZED APPLICANT is the county emergency planning committee which is authorized to apply for and manage the grant. The AUTHORIZED APPLICANT shall provide the name _____ and phone number _____ of the designated contact person. The AUTHORIZED APPLICANT shall provide the name _____ and address _____ of the bank where the check shall be deposited.

Emergency Planning Committee

County Name:
County Code-3 digit number:
Street Address:
City, Zip:

LEPCs shall submit grant request form DES/SARA-303 to their state disaster and emergency services area coordinator. All required documentation shall accompany the form. Incomplete grant request forms may delay processing and may result in invalidating the request.

State agencies shall submit grant request form DES/SARA-303 to the Chairman, or designee, of the Kentucky Emergency Response Commission. All required documentation shall accompany the form. Incomplete grant request forms may delay processing and may result in invalidating the request.

CERTIFICATION

I, the undersigned, certify to the Kentucky Emergency Response Commission that all the information is true and accurate. I further represent that the money received under this grant program will be used for the administration, development and implementation of the Kentucky Emergency Planning and Community Right-to-know program, known as SARA Title III, within the guidelines mandated by PL 99-499/Title III, KRS Chapter 39.800 to 39.990 and subsequent administrative regulations.

Name, Title and Date:

Name, Title and Date:
DES/SARA-303

Grant Application for Grant Period 09/01/9__ to 08/31/9__

ATTACHMENTS

Detailed budget sheet for each budget category you request.
Documentation for preceding year's award.
Copy of published DES/SARA-324
Bylaws.

INELIGIBLE ITEMS

Emergency response equipment.

Reimbursement for emergency response and/or cleanup of a release.

BUDGET CATEGORIES	GRANT REQUEST	GRANT AWARD
Right-to-know responsibilities-includes legal notice DES/SARA-324		
Data Management-includes receiving and maintaining data under 302(c)/KRS 39.845; 304/KRS 39.840(b), 311/312/KRS 39.840(c)		
Telephone-includes 24-hour warning point for releases and cost of telephone for LEPC business		
Services-includes contracts* to support KRS 39.800 to KRS 39.990		
Office Supplies-includes postage, printing, copying and paper		
File cabinets, desks, chairs		
Commission-approved training		
Commission-approved travel		
TOTAL GRANT REQUEST		
LESS CARRYOVER MONIES		
ADJUSTED GRANT AWARD		

*Contracts for personal services and equipment shall be in conformance with state laws and administrative regulations.

DES/SARA-303

(18 Ky.R. 1712; Am. 2325; 2522; eff. 1-27-92; 22 Ky.R. 606; 898; eff. 10-11-95.)

106 KAR 1:101. Kentucky Emergency Response Commission fee account grant requirements for state agencies.

RELATES TO: KRS 39.800-39.990

STATUTORY AUTHORITY: KRS 39.817

NECESSITY, FUNCTION, AND CONFORMITY: This regulation establishes criteria and procedures to be met by state agencies requesting funds generated by KRS 39.817.

Section 1. Eligibility of State Agencies. State agencies that perform functions to assist the Kentucky Emergency Response Commission in the administration of its programs and activities at the state level are eligible to apply for funding.

Section 2. State Agency Procedures. (1) State agencies may apply for financial assistance by completing Grant Request Form DES/SARA-303 as set out in 106 KAR 1:091 and shall include a detailed budget identifying how the requested funds are to be spent.

(2) State agencies may request funding for staff to support the commission in the administration of its programs and activities at the state level. If a request for staff is included in the grant request, the state agencies shall attach a position description detailing job duties and an organization chart defining that position within the agency.

(3) The grant request form shall be submitted directly to the Chairman of the Kentucky Emergency Response Commission, or designee, no later than May 1.

(4) The Chairman of the Kentucky Emergency Response Commission, or designee, shall review the grant request form for completeness and conformance to administrative regulations and statutes, note any recommendations and forward it to the Grant Review Committee no later than July 1.

(5) The Grant Review Committee, with a quorum present, shall review all grant requests from state agencies and forward their recommendations no later than August 15 to the Kentucky Emergency Response Commission for final approval.

(6) The Kentucky Emergency Response Commission shall make the grant awards no later than September 15.

(7) The Chairman of the Kentucky Emergency Response Commission, or designee, or the Grant Review Committee may request additional information which shall be provided by the state agency. Failure to provide the requested information shall invalidate the state agency's request for funding.

Section 3. Requests for Modifications. (1) A request for modification of a grant award is required if there is a change in the grant request or if a state agency is unable to expend the funds for which the grant was awarded. A request for modification must be submitted by the state agency for approval by the commission. Unexpended monies shall be returned to the fund.

(2) Requests for modifications of grant awards shall be submitted on Grant Request Form DES/SARA-303 as set out in 106 KAR 1:091 and, except for due dates, shall be processed in accordance with Sections 2 and 4 of this administrative regulation. Requests for modifications may be submitted throughout the grant period.

Section 4. Requirements for Funding Accountability. (1) Funds provided by the Kentucky Emergency Response Commission shall be subject to fiscal accountability prescribed by the state auditor of public accounts. A memorandum of agreement between the state agency making application and the Chairman of the Kentucky Emergency Response Commission shall be executed. All funds shall be subject to audit by the Kentucky Emergency Response Commission and the state auditor of public accounts.

(2) Grant awards approved by the Kentucky Emergency Response Commission may be withheld for noncompliance with KRS 39.800 to 39.990 and administrative regulations issued thereunder and for failure to provide required documentation.

(3) All funding allocation decisions shall be made by the Kentucky Emergency Response Commission and shall be dependent upon availability of fees collected. (18 Ky.R. 1717; eff. 1-27-92.)

106 KAR 1:111. Kentucky Emergency Response Commission Fee Account Grant Review Committee.

RELATES TO: KRS 39.800-39.990

STATUTORY AUTHORITY: KRS 39.817

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation establishes the Kentucky Emergency Response Commission Grant Review Committee to review requests for financial assistance.

Section 1. Purpose of the Grant Review Committee. (1) The Grant Review Committee shall review all grant requests from local emergency planning committees and state agencies and make recommendations to the Kentucky Emergency Response Commission.

(2) The Grant Review Committee shall monitor all grant awards to ensure compliance with statutes and administrative regulations.

Section 2. Grant Review Committee Organization. (1) The Grant Review Committee shall consist of not less than five (5) nor more than nine (9) members of the Kentucky Emergency Response Commission who shall be appointed by the Chairman of the Kentucky Emergency Response Commission with approval of the commission.

(2) The chairman of the Grant Review Committee shall be elected by members of the Grant Review Committee.

(3) Members shall serve for a term of one (1) year and may be reappointed.

(4) Proxy votes or proxy membership shall not be permitted.

(5) If a member misses two (2) consecutive meetings, the position shall be considered vacant and the Chairman of the Kentucky Emergency Response Commission, with the approval of the Kentucky Emergency Response Commission, shall appoint a replacement.

(6) A quorum is required for the Grant Review Committee meetings. (18 Ky.R. 1719; eff. 1-27-92.)

106 KAR 1:121. Kentucky Emergency Response Commission fee account grant distribution formula.

RELATES TO: KRS 39.800-39.990

STATUTORY AUTHORITY: KRS 39.817

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation establishes administrative support and the grant distribution formula to be used in awarding grants for funds generated by KRS 39.817.

Section 1. Local Emergency Planning Committee Grant Distribution Formula. (1) At least fifty (50) percent of funds collected annually by KRS 39.817 shall be awarded to eligible local emergency planning committees which submit grant requests for administration, development and implementation of the Kentucky Emergency Planning and Community Right-to-Know Program, known as SARA Title III, within the guidelines mandated by PL 99-499, Title III, KRS 39.800 to 39.990 and subsequent administrative regulations.

(2) The grant distribution formula to determine how much money will be available to each local emergency planning committee is:

(a) Ten (10) percent of the total amount (A) collected by April 1 divided by 120 local emergency planning committees.

$$\frac{.1(A)}{120 \text{ Local Emergency Planning Committees}}$$

$$\text{Hypothetical example: } \frac{.1(200000)}{120} = \$167$$

(b) Plus twenty (20) percent of the total amount (A) collected statewide times the ratio of Kentucky Emergency Response Commission - required and approved Tab Q-7s or commission-approved equivalent (Qc) in the county to the total Kentucky Emergency Response Commission - approved Tab Q-7s or commission-approved equivalent (Qs) in the state.

$$.2(A) \frac{Q_c}{Q_s}$$

$$\text{Hypothetical example: } 2(200000) \frac{13}{1000} = \$520$$

(c) Plus twenty (20) percent of the total amount (A) collected statewide times the ratio of fee-generating Tiers (Tc) in the county to the total number of fee generating Tiers (Ts) in the state.

$$2(A) \frac{T_c}{T_s}$$

$$\text{Hypothetical example: } 2(200000) \frac{30}{1000} = \$1200$$

(d) Therefore the formula for local emergency planning committee grant (Ga) distribution to determine how much money will be available to each eligible local emergency planning committee is:

$$G_a = \frac{.1(A)}{120LEPCs} + 2(A) \frac{Q_c}{Q_s} + 2(A) \frac{T_c}{T_s}$$

(3) The grant (Gr) distribution formula to determine how much money an eligible local emergency planning committee which submits a grant request form may receive is:

$$G_r = \frac{.1(A)}{\text{Total eligible LEPCs}} + 2(A) \frac{Q_c}{Q_s} + 2(A) \frac{T_c}{T_s}$$

(4) All grant awards shall be based upon the amount of money requested by the eligible local emergency planning committee and the formula shown in this section.

Section 2. Notice of Amount of Availability of Funds to Each Local Emergency Planning Committee. (1) No later than April 1 each year the Kentucky Emergency Response Commission shall notify the local emergency planning committees how much money will be available to each eligible local emergency planning committee which submits a grant request form. This amount shall be based upon the total amount of funds available in the Kentucky Emergency Response Commission fee account divided pursuant to Section 1 of this administrative regulation.

(2) Notification of money available shall not be construed as an automatic grant award to a local emergency planning committee. Each local emergency planning committee who wants an award shall submit a grant request form in accordance with 106 KAR 1:091.

Section 3. State Agency Grant Distribution. No more than fifty (50) percent of funds collected annually by KRS 39.817 shall be allocated by the Kentucky Emergency Response Commission to state agencies other than local emergency planning committees which submit grant requests for administration, development and implementation of the Kentucky Emergency Planning and Community Right-to-Know program, known as SARA Title III, within the guidelines mandated by PL 99-499, Title III, KRS 39.800 to 39.990 and subsequent administrative regulations.

Section 4. Availability of Additional Funds. The Kentucky Emergency Response Commission may set a date and notify all local emergency planning committees and state agencies of the availability of additional funds collected after April 1 or which were returned to the commission during the year. Any additional funds shall be distributed in accordance with Sections 1(1) and 3 of this administrative regulation.

Section 5. Administrative support required by KRS 39.817 shall be provided by the Division of Disaster and Emergency Services. (18 Ky.R. 1720; Am. 2329; eff. 1-27-92.)

106 KAR 1:131. Kentucky Emergency Response Commission civil penalty assessment and hearings procedure.

RELATES TO: KRS 39.800-39.990

STATUTORY AUTHORITY: KRS 39.990, 1994 Ky. Acts ch. 382, sec. 19

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation establishes procedures to be followed to assess civil penalties by the Kentucky Emergency Response Commission as provided for in KRS 39.990.

Section 1. Construction. These administrative regulations shall be construed liberally and in conformity with reasonable administrative practice to achieve just, timely and inexpensive determinations of matters before the Kentucky Emergency Response Commission. These administrative regulations are not intended as a

comprehensive set of hearing administrative regulations and shall in no way be construed to impede or constrict the power of a hearing officer to administer the law, or administrative regulations, or to govern the conduct of the hearing officer's docket or the procedural course of a particular administrative action. The Kentucky Rules of Civil Procedure and the case law interpreting those rules may be used as analogous authority to interpret these administrative regulations.

Section 2. General Provisions. The commission shall commence an administrative action to impose a civil penalty under KRS 39.990(3) against a person when the commission has notice of the existence of a violation of any provision of KRS 39.800 to 39.990. The commission chairman (or designee) shall mail to the alleged violator a writing styled "NOTICE OF VIOLATION", which shall contain the specific date, time and place of the violation, if applicable, together with a summary of the factual, legal and other grounds upon which the notice of violation is based, and the specific provisions of KRS 39.800 to 39.905 or the commission's administrative regulations that were allegedly violated. Mere recitation of statutory or regulatory standards is not a sufficient summary of the grounds for the commission's action. The commission chairman (or designee) may attempt to informally resolve the violation in accordance with Section 3 of this administrative regulation. Where, after ninety (90) days from the issuance of the notice of violation the alleged violation is unresolved, the commission chairman (or designee) shall issue a notice of administrative hearing, following the requirements of KRS 13B.050.

Section 3. Informal Proceedings. After an administrative action commences, the commission may seek informal resolution of the dispute with a party under the following procedures:

(1) The commission shall give reasonable notice to all affected persons of the commission's notice of violation.

(2) After giving notice, the commission shall give affected persons or parties an opportunity, at a mutually convenient time and place, to present to an authorized commission representative evidence in opposition to the commission action or determination, or to give a statement challenging the grounds upon which the commission has chosen to justify its action or determination.

(3) The authorized representative of the commission shall give the affected person's evidence and objections due consideration, and notify all affected persons in writing within fourteen (14) days of the receipt of the evidence or objections of the commission's decision.

Section 4. Parties. The parties to the proceeding shall be the commission chairman (or designee) and the alleged violator who shall be designated respondent. A person may be permitted to intervene in any action by filing a petition for intervention in accordance with KRS 13B.060.

Section 5. Assignment to Hearing Officer; Duties and Authority. (1) Within ten (10) days of the filing of the notice of violation, the commission shall designate a hearing officer for formal administrative action in any manner consistent with KRS 13B.030. If the commission elects to designate a hearing officer from the Division of Administrative Hearings in the Office of the Attorney General under KRS 13B.030, it shall make that request in writing to the division within ten (10) days of the filing of the notice of violation.

(2) Assignment of a hearing officer from the Division of Administrative Hearings of the Office of the Attorney General shall be made according to the administrative regulations governing the conduct of the Division of Administrative Hearings of the Office of the Attorney General.

(3) A request for or assignment of a hearing officer under KRS 13B.030(2) shall be a designation of a hearing officer under these administrative regulations and a delegation to the hearing officer under KRS 13B.030(1) of all powers conferred on and relating to the conduct of the administrative action. The hearing officer shall have the authority to take any procedural action authorized by KRS Chapter 13B or these administrative regulations, including, for example, the authority to:

- (a) Administer oaths and affirmations;
- (b) Issue subpoenas for witnesses and production of documents or things;
- (c) Regulate discovery;
- (d) Rule on procedural requests;
- (e) Hold prehearing conferences;
- (f) Regulate the course of, and maintain order in the administrative hearing;
- (g) Rule on evidentiary matters and admit in or exclude evidence from the record;
- (h) Examine witnesses;
- (i) Require the parties to submit legal memoranda, and proposed findings of fact and conclusions of law;
- (j) Make proposed findings of fact, conclusions of law and recommended orders for the agency head; and

(k) Take any action consistent with law to promote the orderly and prompt conduct of the administrative action.

Section 6. Continuances. (1) Any party may request a continuance of a scheduled hearing for good cause. The request shall be in writing and include the reason for the request. The request shall be submitted to the commission chairman (or designee) at least ten (10) days prior to the hearing date.

(2) Any party objecting to a requested continuance may file a written objection to the commission chairman (or designee) at least five (5) days prior to the scheduled hearing.

(3) The hearing officer shall rule on all requests for a continuance. In the hearing officer's absence, the commission chairman (or designee) shall rule on such requests. The commission chairman (or designee) shall execute and transmit an order either granting or denying the continuance to all parties involved.

Section 7. Conflict of Interest; Recusal. (1) If at any time during an administrative action an assigned hearing officer's continued service would violate the standard set forth in KRS 13B.040(2)(a) or a canon of judicial ethics, that hearing officer shall recuse and enter a written order withdrawing from the administrative action.

(2) At any point during an administrative action a party may move the hearing officer to recuse from an administrative action. The motion to recuse shall be in writing filed in the record and shall be supported by an affidavit setting forth specific facts which demonstrate one (1) or more of the grounds for recusal set forth in KRS 13B.040(2)(b).

(3) Within ten (10) days of recusal of a hearing officer, the commission shall request or assign another hearing officer by written order.

Section 8. Ex Parte Contact Prohibited. (1) Unless otherwise allowed by KRS 13B.100, there shall be no administrative action, or any person working under the hearing officer's supervision, and any person with a direct or indirect interest in the outcome to that administrative action concerning the merits of the administrative action assigned to the hearing officer.

(2) This administrative regulation shall not prohibit ex parte contact with staff on purely procedural matters not at issue in the case. This section shall not prohibit communications with staff regarding the status of a case.

(3) Upon receiving an ex parte contact prohibited by this section, the hearing officer shall take every action required under KRS 13B.100, shall cause the parties to be notified of the contact, and shall inform the other parties to the action of their right to move for a recusal.

(4) The hearing officer may impose appropriate sanctions on a person who knowingly makes a prohibited ex parte contact, including, but not limited to deeming the person to have defaulted, striking all or part of that person's pleadings, claims, or defenses, denying any pending motions by the party, issuing a show cause order requiring the person to show why the hearing officer should not sanction the person, or taking such other actions as are appropriate.

Section 9. Motion for Summary Disposition. A hearing officer may grant a motion for a summary disposition and recommend the agency head rule in the moving party's favor if the hearing officer finds that there is no genuine dispute as to any issue of material fact and the moving party is entitled to a summary disposition as a matter of law.

Section 10. Filing of Papers. (1) All papers after the petition required to be served upon a party shall be filed with the commission either before service or within a reasonable time thereafter.

(2) Pleadings and other papers shall be filed with the commission when they are received and endorsed by the commission. The commission shall endorse the date of receipt on every paper filed in an action immediately upon receipt.

(3) Papers may be filed with the commission by telefacsimile machine at the telefacsimile telephone number listed for the commission on the notice of violation. Parties filing by telefacsimile machine shall include a certificate that the paper is being filed by fax and the original paper is being filed by mail and shall immediately after faxing such a paper mail the original paper to the commission. The filing date of a paper sent by facsimile shall be the date the commission receive the original, unless the original is received with five (5) business days of the facsimile, in which case the filing date shall be the date the commission received the facsimile.

(4) All papers filed in an administrative action must be signed by the filing person. The signature of the filing person or his authorized representative constitutes a certificate that the signing person has read the paper and that to the best of his knowledge, information and belief formed after reasonable inquiry, it is not interposed for

any improper purpose. If a paper is signed in violation of this subsection, the hearing officer may strike the paper from the record, deem the party to have failed to file the paper and take any action allowed as a consequence of such failure, strike all or part of any pleading, claim or defense asserted in the filing, or bar an attorney violating this subsection from future participation in that administrative action, and recommend that the agency head bar that attorney from appearing in future administrative actions before the commission.

Section 11. Venue. Administrative hearings shall be conducted at a site designated by the hearing officer. In determining venue, the hearing officer shall consider the requirements of law, the convenience of the parties, the witnesses and the evidence.

Section 12. Default. (1) If a party fails to timely comply with an order of a hearing officer or a requirement of these administrative regulations, the hearing officer shall file an order directing the noncomplying party to show cause why the hearing officer should not deem that party to have waived his right to an administrative hearing and why the hearing officer should not immediately recommend that the commission chairman (or designee) enter an order adverse to the party. If the noncomplying party does not satisfy the show cause order as required, the hearing officer may recommend the entry of a final order in conformity with the relief requested by the opposing party in the administrative action.

(2) If a party fails to appear at a formal administrative hearing, the hearing officer may deem that party to have waived his right to a formal administrative hearing and may immediately recommend the commission chairman (or designee) enter a final order in conformity with the relief requested in the appropriate pleadings, or may proceed without the defaulted party.

(3) Upon the failure of a party to timely comply with a hearing officer's order, the hearing officer may recommend the commission chairman (or designee) grant any relief to which the opposing party is entitled.

(4) A hearing officer may, before the time for filing exceptions has run, set aside a recommendation by default under this section for good cause shown.

Section 13. Burden of Proof. (1) The commission shall have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion to show the propriety of the commission's action.

(2) The party asserting an affirmative defense shall have the burden of going forward and the ultimate burden of persuasion to establish that defense.

(3) The ultimate burden of persuasion in all administrative actions shall be met by a preponderance of substantial evidence in the record.

Section 14. Findings of Fact, Conclusions of Law, and Recommended Order. The hearing officer shall make findings of fact, conclusions of law and issue a recommended order for review and approval by the full commission with service on all parties. Any party may take exception in writing within fifteen (15) days of mailing of the hearing officer's recommended order. Thereafter, the commission chairman (or designee), shall, as directed by the commission, approve the findings of fact, conclusions of law and recommended order or may modify the findings of fact, conclusions of law and recommended order. If no exceptions are filed and the commission takes no action on the hearing officer's findings of fact and conclusions of law within thirty (30) days, the order of the hearing officer shall be final.

Section 15. (1) Service of the notice of violation, notice of administrative hearing, and the hearing officer's recommended order shall be made by certified mail to the alleged violator at the address shown on the annual inventory reporting forms or facility plan required to be filed by KRS Chapter 39. If no facility plan or annual inventory report has been filed, then to the last known address.

(2) All documents filed with the commission by any party shall be served by mail upon all other parties. (18 Ky.R. 1721; Am. 2330; eff. 1-27-92; 22 Ky.R. 609; 900; eff. 10-11-95.)

APPENDIX B GENERIC TITLE III PLANS

REMOVE THIS PAGE AND REPLACE WITH TAB

GENERIC TAB Q PLAN

TAB Q-7-25

COVERED FACILITIES

FACILITY NAME	FAC EMERG RESP COORD	COMMUNICATIONS
The XYZ Treatment Plant 908 Industrial Way Bowling Green, KY 42103	Rich Lester Title: Branch MNGR	Office# 270-555-6432 Cell #: 270-555-7630 Fax #: 270-550-9894

**ALTERNATE
FAC EMERG RESP COORD**

Jeremy Quest Title: Asst. Mgr.	Office #: 270-783-3058 Cell #: 270-791-6871 Fax #: 270-780-9894
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HAZARDOUS CHEMICAL (S)

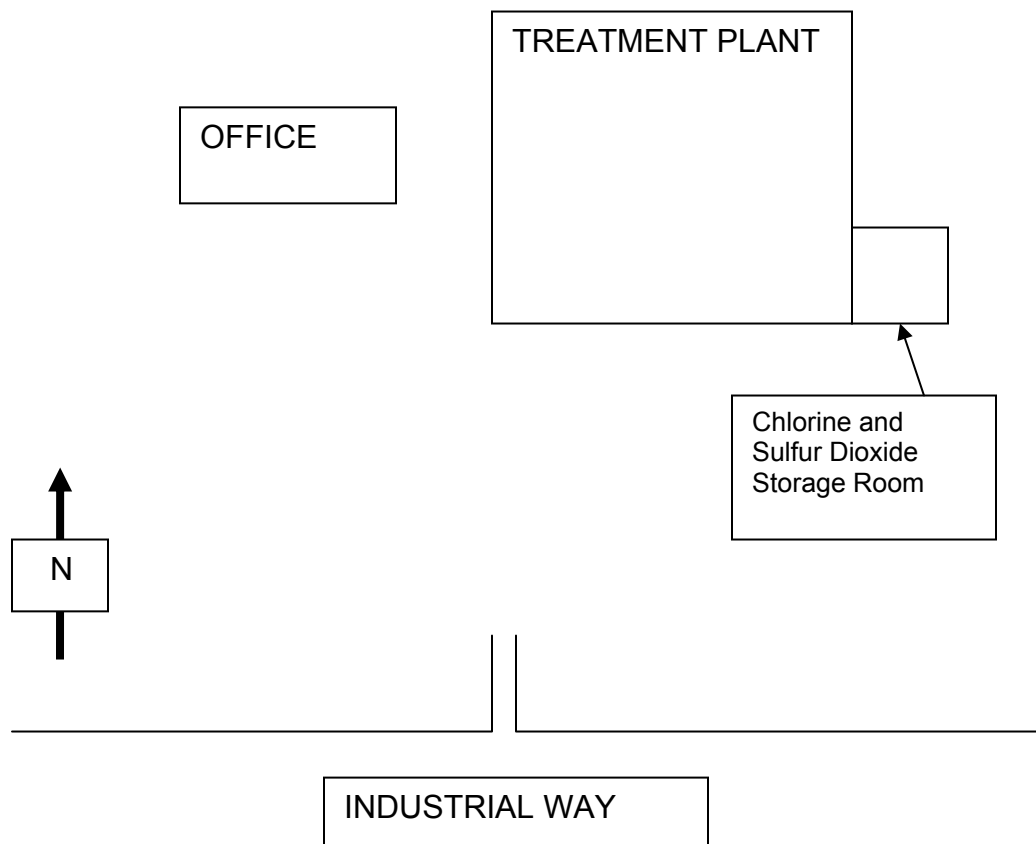
NAME	UN ID# CAS #	FORM	PACKAGED CONTAINER	MAXIMUM QUANTITY	HEALTH HAZARD
Chlorine	1017 7782-50-5	Liquid/ Gas	2000IB & 150lb. cylinders	15,000lbs	Toxic

HEALTH HAZARD: **TOXIC; may be fatal if inhaled or absorbed through the skin.** Fire will produce irritating, corrosive, and/or toxic gases. Contact with gas or liquefied gas may cause burns, severe injury and/or frostbite. Runoff from fire may cause pollution. (2004 Emergency Response Guide)

NAME	UN ID# CAS #	FORM	PACKAGED CONTAINER	MAXIMUM QUANTITY	HEALTH HAZARD
Sulfur Dioxide	1079 7446-09-5	Gas	150lb. Cylinders	2400lbs	Toxic

*HEALTH HAZARD: **TOXIC; may be fatal if inhaled, ingested or absorbed through the skin.** Vapors are extremely irritating and corrosive. Contact with gas or liquefied gas may cause burns, severe injury and/or frostbite. Fire will produce irritating, corrosive and/or toxic gases. Runoff from fire control may cause pollution. (2004 Emergency Response Guide).

SKETCH OF FACILITY AND STORAGE AREAS



FACILITY RESPONSE POINT (RP) AND DIRECTIONS: Due to the toxic nature of this chemical and based on the prevailing winds from the southwest to the northeast, the response point will be in the parking lot of the Knights of Columbus building at 1700 Production Blvd. An immediate assessment will need to be made of wind direction to determine if a change of Response Point needs to be made.

STAGING AREA: Two staging areas have been set depending on wind direction. Staging Area 1 is at the intersection of Airway Court and Searcy Way. Staging Area 2 is in the parking lot of J. C. Kirby Funeral Home at 300 Production Court. All secondary responders will check with initial response team to determine the proper staging area.

TRANSPORTATION ROUTES AND MODES OF TRANSPORTATION

Supplier: UNIVAR 1-800-947-9264
4600 Dues Dr.
Cincinnati, OH 45246

Modes of Transport: Transported by Flat bed truck

Routes: Interstate I-65 to Exit 26, then rt. 800 (Lovers Lane) to Industrial Way

Handling: Cylinders are moved from truck to storage via fork lift.

Frequent Shipping: Monthly

SPECIAL FACILITIES LIKELY TO BE AFFECTED BY A RELEASE:

Using Cameo V1.1.2 a 3.1 mile radius was determined for the vulnerable zone based on a 2000 pound release of chlorine in an urban setting with windspeed of 3.4 miles per hour.

QUADRANT A. Total Population 2,000

#	FACILITY	CONTACT	PHONE #
A1.	Warren County School Board	J. Almond	270-555-5150
A2.	Spiro Kereiakes Park	R. Walnut	270-555-0000
A3.	Academy for Little People	B. Chesnut	270-555-5437
A4.	Northside Free Will Day Care	C. Macadamia	270-555-3579
A5.	Indian Hills Country Club	B. Cashew	270-555-8256
A6.	Rivendell	P. Peanut	270-555-1199
A7.	Northgate Shopping Center	Manager	270-555-0587
A8.	American Sunroof (124)	B. Bop	270-555-0590
A9.	Kids World Child Care	T. Tamarind	270-555-5500

QUADRANT B. Total Population 3,500

#	FACILITY	CONTACT	PHONE #
B1.	Cumberland Trace Elementary	Bob Smith	270-555-1356
B2.	Greenwood High School	Jane Doe	270-555-3627
B3.	Fruit of the Loom Headquarters	John James	270-555-6400
B4.	Fruit of the Loom Dist. Center	Pan T. Waist	270-555-0070

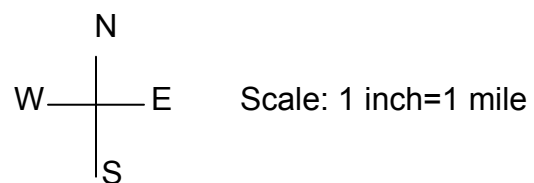
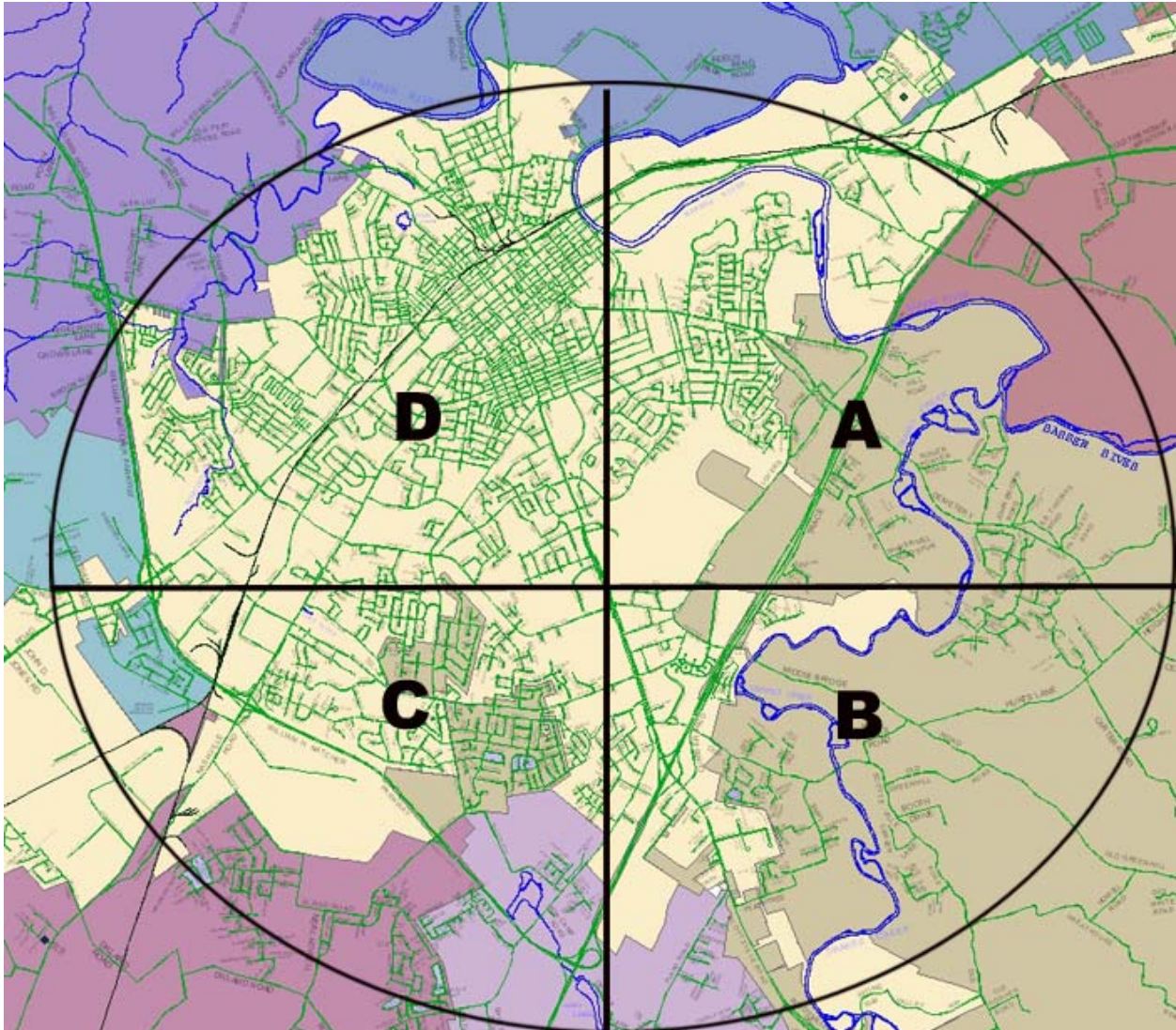
QUADRANT C. Total Population 2,500

#	FACILITY	CONTACT	PHONE #
C1.	University Church of Christ	B. Good	270-555-8804
C2.	Anchored Christian School	P. Eye	270-555-9077
C3.	Lost River Elementary	W. Robinson	270-555-0334
C4.	Drakes Creek Middle School	H. Finn	270-555-0165
C5.	Scottsville Road Baptist Day Care	O. Roberts	270-555-0109
C6.	B.G. Retirement Village	O.L. Mann	270-555-5433
C7.	Western KY Ag Center	I.M. Pigg	270-555-3542

QUADRANT D. Total Population 2,000

#	FACILITY	CONTACT	PHONE#
D1.	Reservoir Park Health	G. Gate	270-555-1400
D2.	B.G. Parks & Recreation	B. Links	270-555-3249
D3.	Parker Bennett Community Center	P. Bennett	270-555-3310
D4.	Urgent Care	A. Sap	270-555-3910
D5.	Airport Fire Station	W. Hose	270-555-5608

QUADRANT MAP
Radius of Vulnerable Zone = 3.1 miles



If the number of Special Facilities is limited enough place them on the map.

PROTECTIVE ACTIONS:

In Place Sheltering may be directed by local officials following consultation with EM personnel, BGFD and other technically qualified authorities. This option may be chosen if the release is expected to be of short duration and the concentration is not judged to be extremely hazardous, because of inclement weather, or there is not enough time to safely evacuate the threatened area. Citizens will be advised to go indoors, close all windows and vents to the outside of the building, turn off all air conditioners and fans and to fill cracks where the outside air may enter. Evacuation areas of off-site population will be determined by wind direction and directed by the Incident Commander. Offsite population will be warned by "The Communicator", Community Outdoor Warning System (COWS) or the Community Alert Live Voice Emergency System (CALVES). If a release occurs, on site personnel will be evacuated to a shelter designated by company management. Evacuation of the area will be conducted in conformance with Annex EE of the Warren County Emergency Operations Plan. Reentry to the evacuated area may be authorized by the Incident Commander with consultation with local officials and/or EM personnel at the scene.

The Bowling Green Fire Department will handle all decontamination of on-site and off-site personnel. The Medical Center Ambulance Service will handle all patient/medical care and assist in the decontamination process.

EMERGENCY EQUIPMENT ON HAND/TRAINING/EXERCISING:

XYZ Treatment Plant personnel have Air Packs available and annual training is conducted for all employees on self contained breathing apparatus. Chlorine emergency repair Kit "B" for 1 ton cylinders and containment packs for 150lb. cylinders will be available and proper training of their use will be conducted for all employees.

The Bowling Green Fire Department personnel are trained to Technician Level for Hazardous Materials response. Other emergency response personnel of the city and county receive on-going training including annual refresher training in OSHA response standards and other relevant hazardous material training. See Emergency Resource Inventory Listing page ERIL-K-1 in the Warren County Emergency Operations Plan.

The personnel of XYZ Treatment Plant will participate annually in any exercise conducted by the Bowling Green Fire Department, Emergency Management, Bowling Green Warren County Emergency Planning Committee and other departments.

SPILL CONTAINMENT/CLEAN-UP/DISPOSAL: Chlorine can be absorbed in alkaline solution- **DO NOT PUT WATER ON CHLORINE LEAK.** Common solutions are caustic soda or soda ash. One ton cylinder requires 2,500 Lbs. caustic soda mixed with 800 gallons of water, or 6,000 Lbs of soda ash mixed with 2,000 gal. A water spray may be directed at the vapors, not the point of leak, to reduce vapors and maintain the Chlorine cloud to as small of an area as possible. Disposal will be accomplished by the facility and local emergency response/cleanup personnel developing procedures that must be approved by the Kentucky Environmental and Public Protection Cabinet.

EMERGENCY NOTIFICATION

Local 24 hr. warning number		911 or 270-393-4000
Haz-Mat Coordinator		270-393-3608
Alt. Coordinator		270-393-4244
Bowling Green Fire Department		911 or 270-393-3608
Warren County Sheriff's Office		270-842-1633
Emergency Management Director	(O)	270-781-8776
	(H)	270-843-1852
Local Emergency Planning Committee		270-846-2488
BG/Warren Co. Rescue		270-783-3030
Medical Center Ambulance		911 or 270-745-1204
KY Emergency Response Commission (KERC)		1-800-255-2587 502-607-1610
Kentucky EM Area Manager	(O)	270-746-7843
	(E)	1-800-255-2587
Environmental & Public Prot. Cabinet (E&PPC) (24 Hour Hotline)		502-564-2380 1-800-928-2380
National Response Center (NRC)		1-800-424-8802
Envir. Prot. Agency (EPA) Hotline		1-800-424-9346
State Fire Marshall (24 Hours)		502-573-0382 1-800-255-2587
Chemtrec		1-800-424-9300
Kentucky State Police		270-782-2010

REMOVE THIS PAGE

GENERIC AREA 13 TAB Q PLAN

TAB Q-7-9

STRONG VOLT POWER STATION

1925 Watt Road
Winchester, Kentucky 40391
859-555-1111

24 HOUR FACILITY TELEPHONE➔	859-555-1118
2 - WAY RADIO FREQUENCY➔	456.02500 456.07500
EMERGENCY RESPONSE COORDINATOR➔ OFFICE PHONE➔ OFFICE FAX➔ HOME PHONE➔ PAGER➔ CELLULAR➔	Spark King (Plant Manager) 859-527-3138 ext. 200 859-527-3138 859-527-3868 859-744-9644 N/A 859-749-3208
ALTERNATE EMERG RESPONSE COORD➔ OFFICE PHONE➔ OFFICE FAX➔ HOME PHONE➔ PAGER➔ CELLULAR➔	Phil Boring (Operations Supt.) 859-527-3138 ext. 214 859-527-3868 859-744-5283 None 859-595-1155

**THE ONLY
EXTREMELY HAZARDOUS SUBSTANCES
STORED AT THIS FACILITY
AT OR ABOVE
THE THRESHOLD PLANNING QUANTITY
ARE
SULFURIC ACID AND SULFUR DIOXIDE**

Hydrazine	
UN ID NUMBER	None found
CAS NUMBER	302-01-2
FORM	Liquid
PACKAGED CONTAINER	55 gallon plastic drums
MAXIMUM QUANTITY	1000 Lbs.
HEALTH HAZARDS OF HYDRAZINE	
Sources: M.S.D.S. Sheets	<ul style="list-style-type: none"> ◆ CONTACT: Eyes: Swelling/Redness/Discharge/ Blindness/Burn/Permanent corneal damage. Skin: Irritant/Burn/Dermatitis. ◆ INHALATION: Nose/Throat/Upper respiratory tract/Lung irritation/Swelling/Bronchitis/Pulmonary Edema. ◆ INGESTION: Burn/Gastrointestinal tract/Stomach/Intestines/Nausea/Vomiting/ Diarrhea/Abdominal pain/Bleeding.
PHYSICAL DESCRIPTION OF HYDRAZINE	
Sources: M.S.D.S. Sheets	<ul style="list-style-type: none"> ◆ APPEARANCE AND ODOR; Colorless liquid with an oily appearance with penetrating ammonia like odor ◆ SOLUBILITY IN WATER: complete ◆ PRIMARY ROUTES OF ENTRY: Inhalation, ingestion, absorption. ◆ SPECIFIC GRAVITY: H₂O=1.032
Note: Hydrazine is not considered extremely hazardous at the concentrations present at Dale Station.	

SULFURIC ACID

Also Known As:

**Oil of Vitriol, Battery Acid, Fertilizer Acid,
Chamber Acid**

UN ID NUMBER	1830
CAS NUMBER	7664-93-9
FORM	Liquid
PACKAGED CONTAINER	Bulk, tote
MAXIMUM QUANTITY	6200 lbs.

HEALTH HAZARDS OF SULFURIC ACID

Sources:
**EMERGENCY
RESPONSE GUIDEBOOK**
Guide 39

NFPA
Guide to Hazardous Materials

- ◆ Poisonous if inhaled or swallowed.
- ◆ Corrosive to metals and tissue
- ◆ Contact causes severe burns to skin and eyes.
- ◆ Long term exposure to low concentrations, or short term exposure to high concentrations can result in adverse health effects from inhalation.
- ◆ Poisonous Gas (Oxides of Sulfur) may be produced in fire.
- ◆ Runoff from fire control or dilution water may cause pollution.

Sources:
**NOSH Pocket Guide to
Chemical Hazards**

CHRIS MANUAL
U.S. Dept of Transportation
U.S. Coast Guard

NFPA
Guide to Hazardous Materials

**HAWLEY'S Condensed
Chemical Dictionary**

**EMERGENCY HANDLING
OF HAZARDOUS
MATERIALS IN SURFACE
TRANSPORTATION**
Assn of American Railroads
Bureau of Explosives

- ◆ Colorless to dark-brown
- ◆ Oily Liquid
- ◆ Not Flammable
- ◆ Corrosive to metals and tissue
- ◆ Dissolves most metals
- ◆ Reacts with water and alkalies releasing heat
- ◆ Reacts with metals releasing Hydrogen Gas
- ◆ Reacts with Picrates, Chlorates, and Nitrates
- ◆ May produce Oxides of Sulfur in fire.
- ◆ It will char wood and most other organic matter on contact.
- ◆ Strong dehydrating agent, which may cause ignition of finely divided materials on contact.
- ◆ MOLECULAR WEIGHT..... 98.1
- ◆ SPECIFIC GRAVITY..... 1.84
- ◆ WEIGHT PER GALLON..... 15 lbs.
- ◆ BOILING POINT..... 626°F (330°C)
- ◆ SOLUBILITY IN WATER..... Soluble with a release of heat

SULFUR DIOXIDE
Also Known As:
Sulfurous Acid Anhydride, Sulfurous Oxide,
Sulfur Oxide

UN ID NUMBER	1079
CAS NUMBER	7446-09-5
FORM	Liquid Gas
PACKAGED CONTAINER	One (1) Pressurized Cylinders (1680 lbs. each) Seven (7) Pressurized Tanks (250 Lbs. each)
MAXIMUM QUANTITY	3500 Lbs.

HEALTH HAZARDS OF SULFUR DIOXIDE

Sources:
EMERGENCY
RESPONSE GUIDEBOOK
Guide 16
NFPA
Guide to Hazardous
Materials

- ◆ Toxic
- ◆ May be poisonous if inhaled.
- ◆ Vapor Extremely Irritating.
- ◆ Eye and Respiratory Tract Irritant
- ◆ Contact may cause burns to skin and eyes.
- ◆ Rapid release of compressed gas may cause frostbite
- ◆ Contact with liquid may cause frostbite.
- ◆ Runoff from fire control or dilution water may cause pollution.

MAPS SKETCHES DRAWINGS		Can be Found on Page
AREA MAP	<ul style="list-style-type: none"> ■ With Scale ■ Showing Adjoining Counties ■ Depicting the Vulnerable Zone ■ Divided into Quadrants A thru D ■ With a Directional Arrow (N➔) 	Q-7-09-31
FACILITY SKETCH	<ul style="list-style-type: none"> ■ Showing the Location of Extremely Hazardous Substances ■ Depicting the Access Road ■ With a Directional Arrow (N➔) 	Q-7-09-32

FACILITY RESPONSE POINT
<ul style="list-style-type: none"> ■ RESPONSE POINT➔ Parking lot in front of building.
<ul style="list-style-type: none"> ■ ALTERNATE RESPONSE POINT➔ KY 627 at Boonesboro bridge (KY River)
<ul style="list-style-type: none"> ■ ADVISE 911 IMMEDIATELY.....➔ If an Alternate Site Is Selected
<p>THE FACILITY REPRESENTATIVE WILL:</p> <ul style="list-style-type: none"> ■ MAKE➔ decisions in behalf of the facility, or have the ability to adequately communicate from the Response Point with someone who can. ■ BRING➔ _ PLAN.... The Facility Title III Emergency Plan, (this one). _ MSDS... The Appropriate Material Safety Data Sheets _ OTHER. Appropriate Facility Plans, Drawings, or Documents. ■ BRIEF➔ the On Scene Incident Commander concerning the nature, amount, behavior, status, and predictions of the released substance.

STAGING AREA

FOR EMERGENCY RESPONDERS

■ **STAGING AREA →** The Parking Lot of Bananas On The River Restaurant.

■ **ALTERNATE**

STAGING AREA → KY 627 at Boonesboro bridge (KY River) may be selected by the Incident Commander due to winds, weather, traffic or any unforeseen situation or event.

■ **ADVISE 911**

IMMEDIATELY.. → If an Alternate Site Is Selected

TRANSPORTATION MODES ROUTES & SUPPLIERS

RAILROAD:

NO HAZARDOUS MATERIALS ARE RECEIVED BY RAIL.

TRUCK:

■ Enter Kentucky North / South on I-75 to Exit At Exit 95 (Boonesboro Rd KY-627) .

■ Proceed North on Ky-627. 6.2 Miles to KY- 1924

■ Enter Clark County from the South on KY-627

■ Turn Right onto KY-1924

■ Proceed 0.9 miles to Ford Ky.

■ Arriving at the Facility

■ Turn Right into Facility to loading dock which is on the right as you enter the gate.

SUPPLIERS:

■ Sulfuric Acid: Chemical Resources, Louisville, Ky (502)367-2288

■ Hydrazine: Betz Chemical Co, Cincinnati, OH (513)772-0060

■ Sulphur Dioxide: Tennessee Chemical, Cooper Hill, TN (404)233-6811

STORAGE AREA FOR SULFUR DIOXIDE

- ◆ The Sulfur Dioxide tanks are located adjacent to the administration / laboratory building.
- ◆ The Sulfur Dioxide Tanks are Gray.

STORAGE AREA FOR SODIUM HYPOCHLORITE

- ◆ The Filtration building.

STORAGE AREA FOR SULFURIC ACID

- ◆ The South East corner of building.

THE CREDIBLE WORST CASE VULNERABLE ZONE FOR A SPILL or LEAK OF SULFUR DIOXIDE In a rural area at 3.4 MPH wind speed

Source: CAMEO v1.2.1	QS =1680 lbs $QR = QS/10 = 1680 / 10 = 168$ use 180 lbs per minute LOC. = .026 gm/m ³ Vulnerable Zone 5.7 Miles	Isolate in all directions 5.7Miles
-------------------------	--	--

- **SELECTION** → SULFUR DIOXIDE was chosen to use for the vulnerable zone radius because the chemical will be released as a gas causing the radius to be the largest of any EHS present at the site.

THE CREDIBLE WORST CASE VULNERABLE ZONE FOR A SPILL or LEAK OF SULFURIC ACID

Source: TECHNICAL GUIDANCE FOR HAZARDS ANALYSIS (green book)	Liquid at ambient temperature in an undiked area. QS =6200 lbs $QR = QS \times LFA \times 1.4$ $QR = 6200 \times .0000000005 \times 1.4$ QR = .000000434lbs / minute	Isolate in all directions 0.0Miles
---	---	--

- **SULFURIC ACID** : has no vulnerable zone as there is negligible amount evaporated to the atmosphere (much less than 1 lb/minute)

EMERGENCY ACTION FOR A SPILL or LEAK OF SULFUR DIOXIDE

Sources:
**EMERGENCY
 RESPONSE GUIDEBOOK**
 Guide 16

CHRIS MANUAL
 Chemical Hazards
 Response
 Information System

**EMERGENCY HANDLING
 OF HAZARDOUS
 MATERIALS IN SURFACE
 TRANSPORTATION**
 Assn of American
 Railroads
 Bureau of Explosives

- ◆ Keep unnecessary people away.
- ◆ Isolate hazard area and deny entry
- ◆ Stay upwind, out of low areas, and ventilate closed spaces before entering.
- ◆ Wear goggles, Self Contained Breathing Apparatus, and rubber over-clothing, (including gloves).
- ◆ Stop leak if you can do it without risk.
- ◆ Avoid bodily contact with the material
- ◆ Wash away any material which may have contacted the body with copious amounts of soap and water.
- ◆ Use Water spray to reduce vapors
- ◆ **DO NOT PUT WATER DIRECTLY ON LEAK OR SPILL AREA**
- ◆ Control run-off and isolate discharged material for proper disposal.
- ◆ Neutralize spilled material with Crushed Limestone, Soda Ash, or Lime.
- ◆ Keep material out of water sources and sewers
- ◆ If it does Enter water sources or sewers:
 - Notify Local Health and Wildlife Officials
 - Notify Operators of Nearby Water Intakes
- ◆ Isolate area until gas has dispersed.
- FIRE**
- ◆ Approach Fire from upwind to avoid hazardous vapors
- ◆ Use flooding quantities of water to keep fire exposed containers cool
- ◆ Apply cooling water from as far a distance as possible
- ◆ Use Water spray to knock down vapors
- ◆ Extinguish fire with agent suitable for surrounding fire (material itself does not burn or burns with difficulty)

SYMPTOMS OF EXPOSURE TO SULFUR DIOXIDE

Source:
NOSH Pocket Guide to
 Chemical Hazards
NFPA
 Guide to Hazardous Materials

- ◆ Irritated Eyes, Nose, and Throat
- ◆ Rhinorrea, Choking, Cough
- ◆ Bronchioconstriction
- ◆ Frostbite

FIRST AID FOR EXPOSURE TO SULFUR DIOXIDE

Source:
EMERGENCY
RESPONSE GUIDEBOOK
 Guide 16

CHRIS MANUAL
 Chemical Hazards Response
 Information System

- ◆ Move victim to fresh air
 - ◆ Call emergency medical care
 - ◆ If not breathing, give artificial respiration
 - ◆ If breathing is difficult, give oxygen.
 - ◆ In case of contact with material, immediately flush skin or eyes with cold running water for at least 15 minutes
 - ◆ Remove and isolate contaminated clothing and shoes at the site.
 - ◆ Keep victim quiet and maintain normal body temperature.
 - ◆ Effects may be delayed; keep victim under observation.
- VAPOR**
- ◆ If in eyes, hold eyelids open and flush with plenty of cold running water for at least 15 minutes
- LIQUID**
- ◆ Remove contaminated clothing and shoes
 - ◆ Flush affected areas with plenty of water
 - ◆ **DO NOT RUB AFFECTED AREAS**
 - ◆ If in eyes, hold eyelids open and flush with plenty of water

WATER POLLUTION HAZARDS SULFUR DIOXIDE SPILL

Source: CHRIS MANUAL
Chemical Hazards
Response Information
System

- ◆ Harmful to aquatic life in very low concentrations
- ◆ May be dangerous if it enters water intakes

EMERGENCY ACTION FOR A SPILL or LEAK OF- SULFURIC ACID

Sources:
EMERGENCY
RESPONSE GUIDEBOOK
Guide 154

CHRIS MANUAL
Chemical Hazards Response
Information System

EMERGENCY HANDLING
OF HAZARDOUS
MATERIALS IN SURFACE
TRANSPORTATION
Assn of American Railroads
Bureau of Explosives

- ◆ Keep unnecessary people away.
- ◆ Isolate hazard area and deny entry
- ◆ Stay upwind, out of low areas, and ventilate closed spaces before entering.
- ◆ Avoid breathing vapors
- ◆ Avoid bodily contact with the material
- ◆ Do not touch or walk through spilled material
- ◆ Stop leak if you can do it without risk.
- ◆ wear chemical protective clothing which is specifically recommended by the manufacturer. It may provide little or no thermal protection.
- ◆ Structural firefighters' protective clothing is NOT effective for these materials
- ◆ appropriate protective clothing should be worn for spills and leaks with no fire.
- ◆ Appropriate eye protective wear should be worn.
- ◆ DO NOT PUT WATER DIRECTLY ON LEAK, spill area or inside container
- ◆ Apply water spray to knockdown vapors
- ◆ Vapor knockdown water is corrosive or toxic and should be diked for containment
- ◆ Dike using sand bags, foamed polyurethane, or foamed concrete for later disposal
- ◆ Absorb bulk with fly ash or cement powder
- ◆ Neutralize with Agricultural Lime, Crushed Limestone, or Sodium Bicarbonate
- ◆ Cleanup only under supervision of an expert
- ◆ Isolate and remove discharged material
- ◆ Notify local health and pollution control agencies

SYMPTOMS OF EXPOSURE TO SULFURIC ACID

Source:
NOSH Pocket Guide to
 Chemical Hazards
NFPA
 Guide to Hazardous Materials

- ◆ Irritating to eyes, nose and throat
- ◆ If inhaled, will cause coughing, difficult breathing, or loss of consciousness
- ◆ Pulmonary edema, Bronchitis, Emphysema,
- ◆ Emphysema, Conjunctivitis, Stomatitis, Dental Erosion, Tracheobronchitis, Skin, eye burns, Dermatitis

FIRST AID FOR EXPOSURE TO SULFURIC ACID

Source:
EMERGENCY
RESPONSE GUIDEBOOK
 Guide 39

CHRIS MANUAL
 Chemical Hazards Response
 Information System

- ◆ Move victim to fresh air
- ◆ Call emergency medical care
- ◆ If not breathing, give artificial respiration
- ◆ If breathing is difficult, give oxygen.
- ◆ In case of contact with material, immediately flush skin or eyes with cold running water for at least 15 minutes
- ◆ Speed in removing material from skin is of extreme importance
- ◆ Removal of solidified molten material from skin requires medical assistance
- ◆ Remove and isolate contaminated clothing and shoes at the site.
- ◆ Keep victim quiet and maintain normal body temperature.

WATER POLLUTION HAZARDS AND OPTIONS SULFURIC ACID SPILL

Source: CHRIS MANUAL
 Chemical Hazards Response
 Information System

- ◆ Harmful to aquatic life in very low concentrations
 - ◆ May be dangerous if it enters water intakes
- WATER SPILL OPTIONS:**
- ◆ Neutralize with Agricultural Lime, Crushed Limestone, or Sodium Bicarbonate

SPECIAL FACILITIES	PEOPLE AT RISK	PHONE NUMBER
QUADRANT A Public Works Dept. Providence Elementary School Residential Population	14 327 500est.	859-555-3253 859-555-3163

SPECIAL FACILITIES (continued)	PEOPLE AT RISK	PHONE NUMBER
NO SPECIAL FACILITIES QUADRANT B RESIDENTIAL POPULATION (Sparsely Populated Rural Area - No Special Facilities) Est.95% Lies In Madison County	630est.	

SPECIAL FACILITIES (continued)	PEOPLE AT RISK	PHONE NUMBER
NO SPECIAL FACILITIES QUADRANT C RESIDENTIAL POPULATION est.95% lies in Madison County est.5% lies Fayette in County	1000 est.	

SPECIAL FACILITIES (continued)	PEOPLE AT RISK	PHONE NUMBER
QUADRANT D Boonesborough State Park RESIDENTIAL POPULATION 50% lies in Fayette County 5% lies in Madison County	1000 1,944est.	859-555-3131

PROTECTIVE ACTIONS GENERAL

In the unlikely event of a release, THIS FACILITY WILL:

- CALL 911 to initiate community notification and warning procedures.
- DISPATCH A KNOWLEDGEABLE REPRESENTATIVE to the Reporting Point.
- REFER TO TAB Q-7-4 to insure facility compliance with other agency notifications as required by law.

PUBLIC WARNINGS

May Be Issued Through the Use of Any or All of the Following :

- SIRENS
- TELEPHONE Calls to the Special Facilities At-Risk
- TWO-WAY RADIO Communications, (including Amateur)
- ROUTE ALERTING using Vehicles with PA Systems
- DOOR TO DOOR Notifications
- LOCAL RADIO STATIONS
- LOCAL ACCESS CABLE TELEVISION
- LEXINGTON TELEVISION & RADIO Stations

SHELTER-IN-PLACE

GENERAL PARAMETERS

- **CRITERIA....**➔ If the release is of short duration the public may be advised to shelter in place.
- **AUTHORITY**➔ Unless stipulated otherwise by local ordinance, this decision will be made by the Chief Elected Official of the affected jurisdiction.

IN THE EVENT OF SHELTERING-IN-PLACE

THE PUBLIC WILL BE ADVISED TO:

- **REMAIN INSIDE**➔ with Doors, Windows, and Vents Closed.
- **FILL CRACKS....**➔ in Doors and Windows where outside air might enter.
- **TURN OFF.....**➔ Heating, Air Conditioning, Fans, and Clothes Dryer.

EVACUATION

GENERAL PARAMETERS

- **CRITERIA....→** If it is determined that the Release Will Continue for an extended time, the public may be advised to evacuate the affected area.
- **AUTHORITY→** Unless stipulated otherwise by local ordinance, this decision will be made by the Chief Elected Official of the affected jurisdiction.

IN THE EVENT OF EVACUATION

- **THE PUBLIC WILL BE INFORMED→** of appropriate evacuation routes and areas to be avoided in accordance with Annex EE of this EOP.
- **RED CROSS WILL BE NOTIFIED..→** and if necessary, shelters will be selected in accordance with Annex. F, Appendix F-4 of this EOP.
- **LIMITED ENTRY.....→** can be authorized into evacuated areas for emergency assignments and / or investigative purposes by the Incident Commander.
- **THE CHIEF ELECTED OFFICIAL...→** for the Jurisdiction or his designee, will consult with a representative of The Kentucky Environmental and Public Protection Cabinet, (E&PPC).
- **RE-ENTRY.....→** into evacuated areas by the public shall be authorized by the Chief Elected Official for the Jurisdiction or his designee.

MEDICAL

- **THE RECEIVING MEDICAL FACILITY** ➔ for Casualties Transported by EMS or Ambulance will be determined in accordance with 902 KAR 14:040E, Sec 4, (8)(a).
- **COMMUNITY MEDICAL CAPABILITIES** ➔ can be found in TAB-Q-7-5.

EMERGENCY EQUIPMENT ON HAND

COMMUNITY RESOURCES Refer to TabQ-7-5

QTY	FACILITY RESOURCES
	Access to Dirt
	Access to Sand
70	A-B-C Fire Extinguishers
40	(Co2) Fire Extinguishers
7	(Halon) Fire Extinguishers
50	Gal.(3%Aqueous Foam W/eductor, nozzle etc.
10	Brooms
10	Shovels
3	50 ft rolls of Plastic
4	CS Plastic Garbage Bags
400	Ibs of Absorbent Material (Stay Dry)
1	CS Absorbent Pads
1.5	CS Absorbent Booms
12	Filter Masks
4	Self Contained Breathing Apparatus Sets, (SCBA)
2	Spare 30 minute SCBA Bottles
6pr	Rubber Boots
24	(Neoprene) Gloves
15	Hard hats
12pr	Plastic Goggles
10	(face shield) Eye Protection
6	Plastic Raincoats or Ponchos

FACILITY TRAINING and EXERCISING

FACILITY TRAINING

- ENTRY LEVEL EMPLOYEES receive a hazardous materials awareness briefing.
- ALL EMPLOYEES attend periodic safety facility hazmat classes.
- Three (3) EMPLOYEES are trained to use SCBA

FACILITY EXERCISES

- This Facility Does Not Plan Regular Independent Hazmat Exercises.
- This Facility Is Willing to Participate in Community Exercises.

EMERGENCY ACTIONS GENERAL PARAMETERS

■ SAFEGUARDS AND

PROCEDURES → AT THIS FACILITY MAKE IT UNLIKELY that a Hazardous Substance Release affecting the community would occur, But:

■ IF AN EVENT

DOES OCCUR → OF LIMITED PROPORTION AND DURATION, it may be within our capability to complete all or most of the appropriate emergency actions without assistance.

■ IF AN EVENT

DOES OCCUR → WHICH IS BEYOND OUR CAPABILITY, we may require assistance from community emergency responders, and / or a properly trained and equipped hazmat team, and / or a licensed contractor.

SPILL CONTAINMENT GENERAL PARAMETERS

- ONLY TRAINED PERSONNEL. → who have the type of personal protective equipment prescribed for this particular substance will attempt any form of containment within the affected area.
- ALL APPROPRIATE OPTIONS. → will be exercised whenever possible
- FACILITY PERSONNEL..... → may be capable of handling containment procedures.
- EMERGENCY RESPONDERS.. → may be used, if Facility Personnel Require Assistance.
- IF THEY ARE UNABLE..... → a properly equipped and trained hazmat team, or a licensed Contractor may be called, if Both Facility Personnel and Responders Require Assistance.

GAS CONTAINMENT GUIDANCE

THE EHS STORED AT THIS FACILITY, (SULFUR DIOXIDE), WOULD RELEASE AS A GAS.

■ **SEAL OFF**.....→ the Room or Building where the tanks are stored

■ **SHUT OFF**.....→ the Container to Stop the Release.

■ **PLUG, PATCH, OR REPAIR**.....→ the Container to Stop the Release.

■ **OVERPACK**.....→ the Container.

■ **WATER SPRAY OR MIST**.....→ may be used to Reduce, (Knockdown), or Direct the Vapor from safely outside the plume.

■ **DO NOT PUT WATER**.....→ Directly on Leak or Spill Area, Until Certain the Substance is Not Water Reactive.

■ **VAPOR KNOCKDOWN RUN-OFF**→ could be Corrosive or Toxic and Should be Diked for Containment.

■ **REMAIN WELL CLEAR**.....→ of the affected area until the product has completely released into the atmosphere.

■ **OPTIONS FOR CHLORINE ONLY:**

IF SHUT-OFF OR REPAIR ATTEMPTS HAVE BEEN UNSUCCESSFUL:

- _ FILL A LARGE CONTAINER with an aqueous solution of sodium hydroxide or other alkali (such as soda ash or lime).
- _ IMMERSE THE FAULTY TANK into the solution in an attempt to neutralize the escaping chlorine as it bubbles through.

LIQUID CONTAINMENT GUIDANCE

THE EHS STORED AT THIS FACILITY, (SULFURIC ACID), WOULD RELEASE AS A LIQUID. (This Guidance is for containment of the run-off created by the vapor knockdown procedure, or substances which may be present in quantities below the reporting threshold quantity.)

- SHUT OFF.....➔ the Container to Stop the Release.
- PLUG, PATCH, OR REPAIR.... ➔ the Container to Stop the Release.
- OVERPACK.....➔ the Container.
- PREPARE a HOLDING AREA. ➔ Empty Container, Pit, Ditch, Pond, or Lagoon.
- COVER SEWER OPENINGS.. ➔ with plastic to prevent run off into sanitary and/or storm sewers and prevent spreading to adjacent property.
- DIKE THE SURFACE.....➔ using Sand, Earth, or other suitable materials.
- ABSORB.....➔ with Sand, Earth, or other suitable materials.

SPILL CLEAN-UP GENERAL PARAMETERS

- ONLY TRAINED PERSONNEL.➔ who have the type of personal protective equipment prescribed for the released or spilled substance in its present form will attempt to perform Clean-Up procedures.
- FACILITY PERSONNEL.....➔ are usually capable of performing clean-up procedures.
- APPROPRIATE GUIDANCE.....➔ will be followed whenever possible.
- IF NECESSARY.....➔ we will call a licensed Contractor.
- COMPLIANCE.....➔ with the Environmental and Public Protection, (E&PPC) will be adhered to during all Clean-up procedures.

LIQUID CLEAN-UP GUIDANCE

ABSORB or NEUTRALIZE → The Material Residue in and around the:

- ORIGINAL CONTAINER SITE
 - RUN-OFF DRAINAGE
 - SURFACE DIKES used for containment.
 - HOLDING AREAS such as Pits, Ditches, Ponds, or Lagoons used for containment.
- IF FROM SULFUR DIOXIDE, Neutralize with Dilute Acid.

SCOOP UP → the Resulting Neutralized Liquid Material with buckets, cups, mops, and / or sponges.

IF THE REMAINING RESIDUE IS NOT WATER REACTIVE:

- DIKE THE SURFACE..... → using Sand, Earth, or other suitable materials.
- COVER SEWER OPENINGS → with Plastic to Prevent Water Run off into Sanitary And/Or Storm Sewers and Prevent Spreading to Adjacent Property.
- HOSE DOWN..... → the Remaining Residue.

DIKING AND ABSORBENT MATERIAL will be either be:

- TREATED → Chemically and Neutralized
OR
- STORED → in Plastic drums, bags, or some other type of sealable plastic container for later disposal.

GAS CLEAN-UP GUIDANCE

- NEUTRALIZE RUN-OFF
FROM KNOCKDOWN SPRAY → with an appropriate substance.
- TO PREVENT SECONDARY
EXPOSURE & CORROSION.. → Tools, Machinery, Wiring, and Other
Components which have been exposed will be
decontaminated as necessary.

WASTE DISPOSAL GENERAL PARAMETERS

- ONLY TRAINED PERSONNEL. → who have the type of personal protective equipment prescribed for the waste material in its present form will participate in disposal procedures.
- FACILITY PERSONNEL..... → are usually capable of handling waste material.
- RECYCLING..... → of waste material will be exercised whenever possible.
- IF NECESSARY..... → we will call a licensed Contractor.
- COMPLIANCE..... → This facility will obtain the specific concurrence of a representative of Kentucky Environmental and Public Protection Cabinet, (E&PPC) for the disposal of all contaminated waste generated by the release, containment efforts, and clean-up activities.

APPENDIX C REMOVE AND Replace with TAB

COUNTY TITLE III PLANS CHECKLIST

FACILITY _____ TAB NO. _____	LEPC		AM		KyERC	
	Y	N	Y	N	Y	N
ADMINISTRATIVE INFORMATION						
General						
1. Are the facility TAB Q and page numbers provided in the center of the footer?						
2. Are the county number, change number, and year of change provided on the right side of the footer?						
Facility Map						
1. Is a map of the facility included?						
Is/are drawing(s) of facility legible, show directional arrow, location of EHS, and access road?						
Response Point/Staging Area						
1. Is the response point (RP) identified?						
2. If the staging area is in the vulnerable zone, is an alternate staging area discussed?						
Transportation Routes						
1. Are primary transportation routes from the County line to the facility identified?						
2. Are major Suppliers and telephone numbers identified?						
Protective Actions						
1. As a minimum, are the protective actions <u>in-place sheltering</u> and <u>evacuation</u> of off-site populations discussed?						
2. Are procedures for alerting/warning the public provided?						
3. Are officials who may authorize reentry of an evacuated area identified?						
4. Does the plan contain a statement of the capability of the area medical facilities to decontaminate and provide care to victims?						
5. Is available emergency equipment listed?						
6. Is employee training discussed?						
Emergency Equipment on Hand/Training/Exercising						
1. Does the plan discuss an exercise program for the facility?						
2. Does the plan discuss an exercise program for the community?						
3. Is available emergency equipment listed or referenced?						
4. Does the plan describe the training level(s) of community response personnel?						
5. Does the plan describe the training level(s) of facility response personnel?						
Spill Containment/Clean-Up/Disposal						
1. Are procedures provided for containment of released substances?						
2. Are procedures provided for clean-up of spills?						
3. Does the plan contain provisions for recycling or development of E&PPC approved disposal plan, if required?						
4. Are appropriate emergency notification numbers listed?						
NOTE: All numbers may not be needed.						

FACILITY _____ TAB NO. _____	LEPC		AM		KyERC	
	Y	N	Y	N	Y	N
Special Facilities Information						
1. Is a map with a scale provided showing the location of the facility, the radius of the vulnerable zone, and the locations of special facilities within the radius (if limited enough to be shown)?						
2. Is the radius map divided into four quadrants labeled as A,B,C,D with A in the northeast quadrant and the remaining letters increasing clockwise?						
3. Are special facilities within each quadrant identified?						
4. Are contacts provided for special facilities?						
5. Is the population of each quadrant listed?						
TECHNICAL INFORMATION						
1. Are the radius of the vulnerable zone and the procedure used to select the radius identified?						
2. Is the type and quantity of the chemical used to determine the vulnerable zone identified?						
TECHNICAL CHANGES						
1. Have the types or quantities of EHS chemicals stored on site changed?						
2. Has the radius of the vulnerable zone changed?						
3. If the radius has changed:						
a. Has a new radius drawing been provided?						
b. Are changes to affected Special Facilities and associated populations shown on the drawing (if limited enough) and/or provided in the Plan ?						
c. Have the Staging or Response points changed?						
17. GENERAL COMMENTS:						
REVIEWED AND APPROVED ON _____ BY _____ CO. LEPC						
(Month/Day) (Year)						
LEPC CHAIRPERSON _____			DATE _____			
REVIEWED BY KyEM AM _____			DATE _____			
REVIEWED BY KyEM STAFF _____			DATE _____			

APPENDIX D REMOVE AND REPLACE WITH TAB

KENTUCKY EMERGENCY RESPONSE COMMISSION FEE ACCOUNT FUND
Grant Application for Grant Period 9/1/___ to 8/31/___

DUE DATES:

LEPCs to AM - May 1st Received by AM _____ Received by State _____
AM to State - June 1st
Final Award - September 15

Local Emergency Planning Committee Name

_____ Enter total number of Tab Q-7s with Extremely Hazardous substances in your county.

GRANT RECIPIENT

Electronic Funds Transfers (EFT's) are payable to the Local Emergency Planning Committee (LEPC). The LEPC Chairperson is authorized to apply for and manage the grant.

_____ Chair - Local Emergency Planning Committee

_____ Street Address

_____ City and Zip Code

_____ Phone Number

The LEPC Chairperson shall provide the Name and Address of the bank where the EFT shall be deposited.

_____ Bank Name

_____ Address

LEPCs shall submit grant request form SARA/303 and SARA/303A to their State Division of Emergency Management Area Manager. All required documentation shall accompany the form. Incomplete grant request forms may delay processing and may result in invalidating the request.

-----State agencies shall submit grant request form SARA303 and SARA 303A to the chairman, or designee, of the Kentucky Emergency Response Commission. All required documentation shall accompany the form. Incomplete grant request forms may delay processing and may result in invalidating the request.

CERTIFICATION

I, the undersigned, certify to the Kentucky Emergency Response Commission that all the information is true and accurate. I further represent that the money received under this grant program will be used for the administration, development and implementation of the Kentucky Emergency Planning and Community Right-to-Know program, known as SARA Title III, within guidelines mandated by PL 99-499/Title III, KRS Chapter 39E and subsequent regulations.

_____ Name

_____ Title

_____ Date

SARA/303
Revised 4/07

GRANT APPLICATION FORM

Grant Application for Grant Period 9/1/____ to 8/31/____

ATTACHMENTS:

Detailed budget sheet for each budget category you request.

Documentation for preceding year's award including invoices, canceled checks and bank statements.

INELIGIBLE ITEMS: Emergency response equipment and reimbursement for emergency response training and/or cleanup of a release.

BUDGET CATEGORIES	GRANT REQUEST	CARRY-OVER MONIES	GRANT AWARD
Right to Know - includes publishing required Right-to-Know notices or other Right-to-Know material.			State use
Data Management - includes expenses associated with records and data management for facility emergency planning notification.			
Telephone - includes 24 hour warning point for releases and cost of telephone, fax and internet for LEPC's.			
Services - includes contracts to support KRS 39.800 to KRS39.990. Must comply with state laws and regulations.			
Office Supplies - includes postage, printing, copying, paper, pens or other office supplies necessary to support LEPC office.			
Furniture – includes file cabinets, desk, chairs or other office furniture for the LEPC office.			
Commission Approved Training - includes per diem and fees to attend KyERC approved training necessary to implement Title III, PL 99-499 Section 305.			
Commission Approved Travel – includes travel to attend KyERC approved training necessary to implement Title III, PL 99-499 Section 305.			
	TOTAL \$	TOTAL \$	TOTAL \$

